Volume 4

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1985

Constitution of 1879 as Amended

General Laws, Amendments to the Codes, Resolutions, and Constitutional Amendments passed by the California Legislature

1985–86 Regular Session

Compiled by
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CALIFORNIA LEGISLATURE

1985–86 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1985

and

1979–1985 Statutory Record

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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1985. 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 1979–1985, followed by a list of concurrent resolutions adopted in 1979–1985, which affect concurrent resolutions adopted in prior years, and lists of new general laws passed in the years 1979–1985 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 1985–86 Regular Session convened on December 3, 1984, and the interim recess commenced on September 13, 1985. Statutes enacted in 1985, other than those taking immediate effect, will become effective January 1, 1986. 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.

DIGESTS OF STATUTES ENACTED IN 1985

1985–86 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (SB 22) Torres. Child day care facilities.

Under the law operative January 1, 1985, the Director of Social Services is authorized to temporarily suspend prior to any hearing any license, registration, or special permit when the action is necessary to protect any child of a day care center from physical or mental abuse, abandonment, or any other substantial threat to health or safety. "Day care center" is defined to mean any child day care facility, other than a family day care home. A "family day care home" is defined as a home which regularly provides care, protection, and supervision of 12 or fewer children in the provider's own home for periods of less than 24 hours per day.

This bill would change "day care center" to "child day care facility." A "child day care facility" is defined on and after January 1, 1985, as including both "day care centers" and "family day care homes." Thus, this bill would have the effect of authorizing the Director of Social Services, in addition to the powers which the director already has, on and after January 1, 1985 to temporarily suspend any license, registration, or special permit prior to any hearing when the action is necessary to protect any child in a family day care home from physical or mental abuse, abandonment, or any other substantial threat to health or safety

The bill would take effect immediately as an urgency statute

Ch. 2 (SB 23) Petris. Public works

Under existing law, the State Public Works Board may issue certificates or revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of construction or renovation and the equipping of public buildings or facilities authorized by the Budget Act of 1984.

This bill would specifically allow the State Public Works Board to issue bond anticipation notes in anticipation of High Technology Education Revenue Bonds for the construction of the facilities authorized by the Budget Act of 1984.

This bill would take effect immediately as an urgency statute.

Ch. 3 (AB 252) Filante. Controlled substances.

Existing law includes phencyclidine in the controlled substances listed in Schedule II for the purposes of the California Uniform Controlled Substances Act.

This bill would include a specified analog of phencyclidine in that list.

Existing law allows the Attorney General to add analogs of phencyclidine to the controlled substances listed in certain provisions of Schedule II.

This bill would transfer that authority to a different location in the list of Schedule II controlled substances.

Existing law classifies other specified analogs of phencyclidine as Schedule I hallucinogens and classifies other substances as Schedule II immediate precursors of amphetamine, methamphetamine, and phencyclidine. Existing law prohibits the possession of phencyclidine, as listed in Schedule II, or its analogs as presently listed in Schedule I.

This bill would also prohibit the possession of the newly listed Schedule II analogs, and the immediate precursors of amphetamine, methamphetamine, and phencyclidine.

Existing law prohibits the possession for sale of phencyclidine and its analogs as listed in Schedule I or II, and, subject to a greater punishment, of the immediate precursors of amphetamine, methamphetamine, and phencyclidine.

This bill would subject possession for sale of phencyclidine and all listed analogs to the greater punishment.

Under existing law, a specified punishment is prescribed for every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport specified controlled substances, not including phencyclidine, but including certain analogs of phencyclidine. A greater punishment is prescribed for similar conduct as to the immmediate precursors of phencyclidine, amphetamine, or methamphetamine.

This bill would include additional controlled substances within that prohibition, subjecting phencyclidine and its listed analogs and precursors to the greater punishment. The bill would subject the immediate precursors of amphetamine and methamphetamine to the lesser punishment.

NOTE: Superior numbers appear as a separate section at the end of the digests.

Existing law prohibits the manufacture of dangerous drugs unless by a registered pharmacist, except as specified, and of drugs unless a license has been obtained from the Department of Health Services, except as specified. Existing law does not specifically prohibit the manufacture of various controlled substances.

This bill would provide specified punishment, including forfeiture of the interest in a vehicle used to facilitate the violation, for the manufacture or other related conduct as to controlled substances generally, except as specified, with a greater penalty where the retail value of the substance involved exceeds specified amounts

Existing law prohibits conduct relative to the use of a minor for the furnishing of specified controlled substances, including listed Schedule I analogs and Schedule II immediate precursors of phencyclidine, amphetamine, and methamphetamine, and prohibits the granting of probation upon a conviction of any of those offenses relating to the immediate precursors of phencyclidine, amphetamine, or methamphetamine.

This bill would include phencyclidine and additional analogs of phencyclidine in that prohibition, and would also prohibit the granting of probation in cases involving phencyclidine or its analogs and would delete the precursors of amphetamine and methamphetamine from the probation restriction.

Existing law prohibits the sale or other specified conduct in which a liquid, substance, or other material is sold in lieu of a controlled substance which was offered.

This bill would specify that the immediate precursors of amphetamine, methamphetamine, and phencyclidine are included therein.

Existing law prohibits the possession of specified combinations of substances with intent to manufacture phencyclidine or any of its listed analogs but contains a cross-reference to specified precursors.

This bill would delete that cross-reference and revise the list of analogs for that purpose.

Existing law prohibits the use or being under the influence of specified controlled substances.

This bill would include phencyclidine and its specified analogs in that prohibition and would delete a reference to precursors of phencyclidine.

Existing law prohibits granting probation for specified violations relating to controlled substances, including phencyclidine.

This bill would recast that prohibition to, among other things, include certain additional provisions relative to phencyclidine.

The bill would express certain legislative findings and declarations relative to the effect of certain legislation and would specify which provision would prevail in the event that this bill and any other specified bill are 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 impose 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.

The bill would take effect immediately as an urgency statute.

Ch. 4 (SB 1) Robbins. Payment of claims.

This bill would appropriate $31,770,614 from the General Fund to the Controller for the payment of claims for reimbursement of costs incurred pursuant to specified provisions of law.

This bill would take effect immediately as an urgency statute.

Ch. 5 (AB 74) Isenberg. Marriage solemnized· federal judges and magistrates

Existing law provides, in part, that marriage may be solemnized by any judge or retired judge of a court of record or justice court in this state.

This bill would specify that marriage may also be solemnized by any judge or magistrate of the United States as well as in this state.

This bill would validate any marriage solemnized by a federal judge or magistrate prior to the effective date of the bill that is not otherwise invalid.

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The bill would also provide that its provisions take effect immediately, as an urgency statute.

Ch. 6 (SB 48) Roberti. Crimes: manslaughter.

Existing law defining the crime of manslaughter was amended by Chapter 742 of the Statutes of 1984, which also changed certain subdivision and paragraph designations, but did not make corresponding changes to cross-references in other code sections.

This bill would make nonsubstantive, conforming changes, and would state that they are declaratory of existing law.

The bill would take effect immediately as an urgency statute.

Ch. 7 (SB 3) Presley. Appropriation: Department of Justice: settlement of action.

This bill would appropriate $200,000 from the General Fund to the Department of Justice to pay the settlement in the case of Ronald E. Henderson v. State of California.

The bill would take effect immediately as an urgency statute.

Ch. 8 (SB 216) Doolittle. School buildings.

Under existing law, the so called "Field Act" requires school districts and community college districts to have certain buildings examined for safety for school use, and to repair, reconstruct, or replace unsafe buildings.

This bill would permit the use of a specified building in the Yuba City Unified School District until one year from the date of receipt of the apportionment to fund the construction of a replacement building from the State Allocation Board or December 31, 1986, whichever is earlier, notwithstanding the "Field Act" or any other provision of law.

This bill would take effect immediately as an urgency statute.

Ch. 9 (AB 88) Hannigan. Cigarettes.

Existing provisions of the Unfair Practices Act prohibit any person engaged in business within this state from selling any article or product at less than the cost thereof, for the purpose of injuring competitors or destroying competition. The term "cost" is defined for these purposes, and existing law provides that discounts granted for cash payments shall not be used to reduce costs.

This bill would provide that regular term discounts granted to distributors of cigarettes by manufacturers of cigarettes for cash payment may be used to reduce cost. These provisions would not apply to any anticipatory or special discount for cash offered by manufacturers of cigarettes.

This bill would take effect immediately as an urgency statute.

Ch. 10 (AB 180) Isenberg. Health.

(1) Existing law does not expressly grant jurisdiction to municipal and justice courts in actions to enforce the Long-Term Care, Health, Safety, and Security Act of 1973.

This bill would grant jurisdiction to municipal and justice courts in those actions if civil penalties are not sought or amount to $15,000 or less, as specified.

(2) Under existing law, the annual license fee for health facilities is based on the number of licensed beds and is adjusted annually in the annual Budget Act.

This bill would require the State Department of Health Services to prepare staffing and systems analyses prior to the establishment and adoption of the annual fee.

(3) This bill would require the department to develop and implement continuing orientation and in-service training programs for state personnel enforcing state laws relating to long-term health care facilities. The department would also be required to establish and maintain a program review of its licensing and certification field offices.

(4) Existing law prescribes certain licensure and other regulatory requirements for health facilities, including long-term health care facilities, as defined. Except as provided in existing law, generally, a person who violates these requirements is guilty of a misdemeanor and upon conviction is subject to a fine not to exceed $1,000 or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

This bill would provide that any person who willfully, as defined, and repeatedly violates these requirements and other requirements specifically enumerated concern-

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ing the operation or maintenance of a long-term health care facility, as defined, is guilty of a misdemeanor and upon conviction is subject to a fine not to exceed $2,500 or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment

The bill would set forth factors a court would be required to consider when determining the punishment under this provision

(4.5) Under existing law, there is an advisory board to make recommendations and serve as consultants to the department.

This bill would eliminate the advisory board and, instead, create a Health Care Advisory Committee to serve in that capacity to the department.

(5) Under the existing Long-Term Care, Health, Safety, and Security Act of 1973, citations are provided for certain classes of violations by the health facilities. Any person may request an inspection of the facility upon a written complaint.

This bill would be a state-mandated local program by requiring each of these facilities, which would include a county facility, to establish and maintain a patient-oriented council. It would provide certain sanctions for a failure to provide such a council This bill would authorize every person to orally request an inspection of the facility, as specified

(6) Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973 provides for the issuance of citations by the State Department of Health Services for class "A" and class "B" violations and the assessment of civil penalties, as prescribed A class "A" violation is subject to a civil penalty in an amount not less than $1,000 and not exceeding $5,000 for each and every violation A class "B" violation is subject to a civil penalty in an amount not less than $50 and not exceeding $250 for each violation, unless the violation is a first-time violation and it is corrected within the time specified in the citation.

This bill would revise the civil penalty amount to an amount not less than $1,000 and not exceeding $10,000 for each class "A" violation and to an amount not less than $100 and not exceeding $1,000 for each class "B" violation, unless the violation is a first-time violation and it is corrected within the time specified in the citation The bill would define a class "AA" violation as a violation which meets the criteria of a class "A" violation and which the department determines to be a direct cause of the death of a patient of a long-term health care facility, and make these violations subject to a civil penalty of not less than $5,000 and not exceeding $25,000 for each violation It would also require the department to consider suspension or revocation of the facility's license for each class "AA" violation within a 12-month period which has become final and upon a third or subsequent violation within a 12-month period which has been sustained following a citation review conference, would require the department to commence action to suspend or revoke the license. It would make a violation of patient rights, as defined, a class "B" violation, except as specified. It would also set criteria to be considered when determining the amount of the civil penalty.

(7) Existing law provides that a licensee may, in lieu of contesting a citation, transmit to the department the minimum penalty amount specified by law for each violation, as specified

This bill would provide that the licensee may, in lieu of contesting a citation transmit the minimum penalty amount specified by law, or 50% of the amount specified in the citation for each violation, whichever is greater. It would also provide that following a citation review conference at which the citation was sustained for the same class of violation in which it was issued and the amount is at least 30% less than the amount assessed when the citation was issued, the licensee would be permitted to pay the minimum amount specified by law, or 50% of the amount specified at the citation review conference, whichever is greater.

(8) Existing law does not prescribe that when the administration of medications, treatments, or other care is not recorded, as required by law, in the health care record for a patient of a long-term health care facility, it shall be presumed that the required medication, treatment, or care has not been provided.

This bill would add this presumption to law and would prescribe that it may only be rebutted by a licensee upon a showing of a preponderance of the evidence It would specify the actions in which the presumption applies

It would also make any willful material falsification or willful material omission, as

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defined, in the health care record for a patient of a long-term health care facility a separate violation outside of the classification system.

(9) Existing law does not provide incentives for a facility to maintain a quality assurance log

This bill would provide such incentives, would prescribe the discoverability or admissibility of such a log, and would indicate who may inspect the log upon request

(10) The bill would require the department to implement an automated information system and a consumer information system relating to long-term health care facilities

(11) Under the Long-Term Care, Health, Safety, and Security Act of 1973, each citation of a class "A" violation is required to be posted in the facility.

This bill would require, upon the implementation of an automated information system as required by the bill, the department to inform the news media once each quarter of all facilities which have no class "AA," class "A," or class "B" violations.

(12) Under existing law, the department administers the Medi-Cal program

This bill would require the department to require all long-term health care facilities to include certain information relating to participation in the Medi-Cal program in admission agreements

This bill would create a state-mandated local program by providing that the State Director of Health Services shall adopt regulations, which shall be effective March 15, 1985, to provide for increases in payment rates for certain long-term health care facilities providing Medi-Cal services to be used to implement wage increases and benefit increases provided under the bill and for specified increases in staff and service hours for these facilities required by the bill. It would provide a procedure for certifying the expenditure of these funds and sanctions for failure to do so, as specified

(13) This bill would create a state-mandated local program by providing that no licensed long-term health care facility participating as a provider under the Medi-Cal program shall discriminate against a Medi-Cal patient on the basis of the source of payment for the facility's services.

The bill would create a state-mandated local program by providing that no facility participating under the Medi-Cal program shall transfer, or seek to evict, out of the facility any resident as a result of the resident changing his or her manner of purchasing the services from private payment or Medicare to Medi-Cal. It would also prohibit a facility from accepting or retaining any patient for whom it cannot provide adequate care

(13.5) This bill would also require the State Department of Health Services to conduct a skilled nursing facility expenditure study, as specified.

(14) This bill would appropriate $8,883,000 to the Controller for allocation to the following. (1) $208,500 to the Office of the State Long-Term Care Ombudsman to undertake various visitation, community education, and community training programs, as specified, (2) $8,524,500 to the State Department of Health Services for costs incurred in the 1984–85 fiscal year in implementing its provisions concerning Medi-Cal reimbursement rate increases and training grant provisions, and (3) $150,000 to the State Department of Health Services for the skilled nursing facility expenditure study.

The bill would provide that State Department of Health Services shall in its budget proposals for fiscal year 1986–87 provide for the creation of 12 auditor positions within the State Department of Health Services, and would specify that these positions would be created for specified purposes relating to the implementation of Medi-Cal program provisions concerning long-term health care facilities.

(14.5) It would provide that its provisions shall not become operative unless SB 53 of the 1985–86 Regular Session becomes operative and effective. It would ensure that in the case of this bill and SB 53 becoming operative that only one appropriation would be made.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

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(16) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

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

Ch. 11 (SB 53) Mello. Health.

(1) Existing law does not expressly grant jurisdiction to municipal and justice courts in actions to enforce the Long-Term Care, Health, Safety, and Security Act of 1973.

This bill would grant jurisdiction to municipal and justice courts in those actions if civil penalties are not sought or amount to $15,000 or less, as specified.

(2) Under existing law, the annual license fee for health facilities is based on the number of licensed beds and is adjusted annually in the annual Budget Act.

This bill would require the State Department of Health Services to prepare staffing and systems analyses prior to the establishment and adoption of the annual fee.

(3) This bill would require the department to develop and implement continuing orientation and in-service training programs for state personnel enforcing state laws relating to long-term health care facilities. The department would also be required to establish and maintain a program review of its licensing and certification field offices.

(4) Existing law prescribes certain licensure and other regulatory requirements for health facilities, including long-term health care facilities, as defined. Except as provided in existing law, generally, a person who violates these requirements is guilty of a misdemeanor and upon conviction is subject to a fine not to exceed $1,000 or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

This bill would provide that any person who willfully, as defined, and repeatedly violates these requirements and other requirements specifically enumerated concerning the operation or maintenance of a long-term health care facility, as defined, is guilty of a misdemeanor and upon conviction is subject to a fine not to exceed $2,500 or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

The bill would set forth factors a court would be required to consider when determining the punishment under this provision.

(4.5) Under existing law, there is an advisory board to make recommendations and serve as consultants to the department.

This bill would eliminate the advisory board and, instead, create a Health Care Advisory Committee to serve in that capacity to the department.

(5) Under the existing Long-Term Care, Health, Safety, and Security Act of 1973, citations are provided for certain classes of violations by the health facilities. Any person may request an inspection of the facility upon a written complaint.

This bill would be a state-mandated local program by requiring each of these facilities, which would include a county facility, to establish and maintain a patient-oriented council. It would provide certain sanctions for a failure to provide such a council. This bill would authorize every person to orally request an inspection of the facility, as specified.

(6) Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973 provides for the issuance of citations by the State Department of Health Services for class "A" and class "B" violations and the assessment of civil penalties, as prescribed. A class "A" violation is subject to a civil penalty in an amount not less than $1,000 and not exceeding $5,000 for each and every violation. A class "B" violation is subject to a civil penalty in an amount not less than $50 and not exceeding $250 for each violation, unless the violation is a first-time violation and it is corrected within the time specified in the citation.

This bill would revise the civil penalty amount to an amount not less than $1,000 and not exceeding $10,000 for each class "A" violation and to an amount not less than $100 and not exceeding $1,000 for each class "B" violation, unless the violation is a first-time violation and it is corrected within the time specified in the citation. The bill would define a class "AA" violation as a violation which meets the criteria of a class "A" violation and which the department determines to be a direct cause of the death of a patient of a long-term health care facility, and make these violations subject to a civil

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penalty of not less than $5,000 and not exceeding $25,000 for each violation. It would also require the department to consider suspension or revocation of the facility's license for each class "AA" violation within a 12-month period which has become final and upon a third or subsequent violation within a 12-month period which has been sustained following a citation review conference, would require the department to commence action to suspend or revoke the license It would make a violation of patient rights, as defined, a class "B" violation, except as specified. It would also set criteria to be considered when determining the amount of the civil penalty

(7) Existing law provides that a licensee may, in lieu of contesting a citation, transmit to the department the minimum penalty amount specified by law for each violation, as specified.

This bill would provide that the licensee may, in lieu of contesting a citation transmit the minimum penalty amount specified by law, or 50% of the amount specified in the citation for each violation, whichever is greater It would also provide that following a citation review conference at which the citation was sustained for the same class of violation in which it was issued and the amount is at least 30% less than the amount assessed when the citation was issued, the licensee would be permitted to pay the minimum amount specified by law, or 50% of the amount specified at the citation review conference, whichever is greater.

(8) Existing law does not prescribe that when the administration of medications, treatments, or other care is not recorded, as required by law, in the health care record for a patient of a long-term health care facility, it shall be presumed that the required medication, treatment, or care has not been provided.

This bill would add this presumption to law and would prescribe that it may only be rebutted by a licensee upon a showing of a preponderance of the evidence. It would specify the actions in which the presumption applies.

It would also make any willful material falsification or willful material omission, as defined, in the health care record for a patient of a long-term health care facility a separate violation outside of the classification system.

(9) Existing law does not provide incentives for a facility to maintain a quality assurance log

This bill would provide such incentives, would prescribe the discoverability or admissibility of such a log, and would indicate who may inspect the log upon request.

(10) The bill would require the department to implement an automated information system and a consumer information system relating to long-term health care facilities.

(11) Under the Long-Term Care, Health, Safety, and Security Act of 1973, each citation of a class "A" violation is required to be posted in the facility.

This bill would require, upon the implementation of an automated information system as required by the bill, the department to inform the news media once each quarter of all facilities which have no class "AA," class "A," or class "B" violations.

(12) Under existing law, the department administers the Medi-Cal program

This bill would require the department to require all long-term health care facilities to include certain information relating to participation in the Medi-Cal program in admission agreements

This bill would create a state-mandated local program by providing that the State Director of Health Services shall adopt regulations, which shall be effective March 15, 1985, to provide for increases in payment rates for certain long-term health care facilities providing Medi-Cal services to be used to implement wage increases and benefit increases provided under the bill and for specified increases in staff and service hours for these facilities required by the bill. It would provide a procedure for certifying the expenditure of these funds and sanctions for failure to do so, as specified.

(13) This bill would create a state-mandated local program by providing that no licensed long-term health care facility participating as a provider under the Medi-Cal program shall discriminate against a Medi-Cal patient on the basis of the source of payment for the facility's services.

The bill would create a state-mandated local program by providing that no facility participating under the Medi-Cal program shall transfer, or seek to evict, out of the facility any resident as a result of the resident changing his or her manner of purchasing the services from private payment or Medicare to Medi-Cal It would also prohibit a facility from accepting or retaining any patient for whom it cannot provide adequate

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care.

(13.5) This bill would also require the State Department of Health Services to conduct a skilled nursing facility expenditure study, as specified.

(14) This bill would appropriate $8,883,000 to the Controller for the following: (1) $208,500 to the Office of the State Long-Term Care Ombudsman to undertake various visitation, community education, and community training programs, as specified, (2) $8,524,500 to the State Department of Health Services for costs incurred in the 1984–85 fiscal year in implementing its provisions concerning Medi-Cal reimbursement rate increases and training grant provisions, and (3) $150,000 to the State Department of Health Services for the skilled nursing facility expenditure study.

The bill would provide that State Department of Health Services shall in its budget proposals for fiscal year 1986–87 provide for the creation of 12 auditor positions within the State Department of Health Services, and would specify that these positions would be created for specified purposes relating to the implementation of Medi-Cal program provisions concerning long-term health care facilities

(14.5) It would provide that its provisions shall not become operative unless AB 180 of the 1985–86 Regular Session becomes operative and effective. It would ensure that in the case of this bill and AB 180 becoming operative that only one appropriation would be made.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

(16) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

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

Ch 12 (SB 167) Montoya. Apprenticeship education: reimbursement

(1) 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 authorize school districts and community college districts to receive reimbursement at $5 75 per 50-minute hour of teaching time for providing instruction to apprentices in academy training conducted under the California Firefighter Joint Apprenticeship Program.

(2) This bill would repeal these provisions on July 1, 1987, unless a later enacted statute, which is enacted before July 1, 1987, deletes or extends that date.

(3) This bill would state the legislative intent that any reimbursement received by the California Firefighter Joint Apprenticeship Program under this bill in excess of that authorized under current law shall be deemed an interest-free loan, repayable to the General Fund on July 1, 1992

This bill would require the California Firefighter Joint Apprenticeship Program to report to the Legislature on or before January 1, 1987, on the effectiveness of the program in accomplishing the affirmative action goals of participating public employers, and the extent to which the methods employed for placing qualified women and minorities as firefighters may serve as a model program for other public employers.

(4) This bill would appropriate $150,000 from the General Fund in augmentation of a specified item of the Budget Act of 1984 for allocation to school districts and community college districts providing apprenticeship training under this bill for the 1984–85 fiscal year If the appropriation is inadequate to fund the higher rate established by prescribed provisions of law, the bill would require the Chancellor of the California Community Colleges to proportionately adjust the rate of reimbursement.

This bill would specify that, if additional federal training funds become available through the California Firefighter Joint Apprenticeship Committee, the amount of

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expenditures pursuant to this appropriation shall be reduced by the amount of those available federal funds.

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

Ch. 13 (AB 498) Hannigan Income taxes bank and corporation taxes

Under the existing Personal Income Tax Law, various provisions of the federal Internal Revenue Code of 1954 in effect as of a specified date are referenced in various sections in the Revenue and Taxation Code. For taxable years beginning on or after January 1, 1984, the specified date of the Internal Revenue Code sections is January 1, 1984.

This bill would conform, in part, state income tax laws to certain changes in federal law enacted in 1984 to be applicable, as specified, in the computation of taxes for taxable or income years beginning on or after January 1, 1984, relating to, among other things, (1) the redemption and tax-free rollover of federal retirement bonds; (2) the election to include in gross income certain amounts of property transferred in connection with the performance of services, (3) the exclusion from gross income of amounts paid or expenses incurred by the employer for educational assistance to the employee pursuant to an educational assistance program; (4) the definition of "control" for certain corporate reorganizations, and (5) the tax-free rollover of certain pension plan partial distributions.

This bill would take effect immediately as a tax levy

Ch. 14 (AB 118) Hannigan Bank and Corporation taxes. items of tax preference

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, an additional tax is imposed on items of tax preference Under the federal income tax laws, an alternative minimum tax is imposed which is computed under a formula utilizing items of tax preference Chapter 1458 of the Statutes of 1984 added for state income tax purposes under the Personal Income Tax Law and the Bank and Corporation Tax Law, 3 new items of tax preference already provided for under federal income tax laws for noncorporate taxpayers, which include mining exploration and development costs, research and experimental costs, and magazine and prepublication expenses

This bill would delete those items of tax preference for purposes of the Bank and Corporation Tax Law

This bill would take effect immediately as a tax levy.

Ch. 15 (SB 88) Rosenthal Horseracing. harness racing meetings.

Under existing law, the state is divided into 3 geographical zones for the purpose of allocating racing weeks Existing law authorizes the California Horse Racing Board to allocate up to 15 weeks of harness racing per year in the northern and central zones and 10 weeks of harness racing per year in the southern zone.

This bill would authorize up to 10 weeks of harness racing per year in the central zone, instead of 15 weeks per year, and up to 15 weeks of harness racing per year in the southern zone, instead of 10 weeks per year.

The bill would take effect immediately as an urgency statute

Ch. 16 (AB 78) Allen *Income taxes: incentive stock options*

Under the existing Personal Income Tax Law, incentive stock options, as defined and provided for under a specified provision of the Internal Revenue Code, may be received and exercised by an employee without recognizing any gross income For federal income tax purposes, those provisions apply with respect to options granted on or after January 1, 1976, and exercised on or after January 1, 1981. However, for state income tax purposes, that federal provision applies with respect to options granted and exercised on or after January 1, 1982.

This bill would make, for taxable years beginning on or after January 1, 1984, those specified federal provisions relating to incentive stock options applicable with respect to certain options granted on or after January 1, 1976, and exercised on or after January 1, 1984. It also would make related technical changes to that law.

This bill would take effect immediately as a tax levy

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Ch. 17 (AB 120) Papan Members of the Legislature salary.

Existing law provides that the annual salary of each Member of the Legislature is $33,732.

This bill would increase the annual salary of each Member of the Legislature to $37,105.

This bill would make an appropriation pursuant to subdivision (a) of Section 4 of Article III of the California Constitution, which provides that laws which set salaries of elected state officers are appropriations

Ch 18 (SB 81) Mello. Agricultural marketing. strawberries

(1) Under the California Marketing Act of 1937, the Director of Food and Agriculture is authorized to issue marketing orders which regulate the marketing, processing, distributing, or handling of any agricultural commodity within the state, including strawberries.

This bill would provide that any marketing order which exclusively affects processing strawberries requires that each time during a marketing season that a processor establishes or changes purchase prices for processing strawberries, the processor shall, on or before the effective date of the purchase prices, post a schedule of the purchase prices and file each schedule, as specified. Failure to post and file a schedule as required would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime. The director would be required to adopt seasonal marketing regulations and perform other acts, as specified, to administer the additional requirements in the marketing order. The bill would exempt specified strawberry processors and specified contracts for strawberries from some or all of the requirements in the bill

(2) Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

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 19 (AB 435) Lancaster. Commercial banks loans.

Existing law that will be repealed April 1, 1985, provides that a bank chartered by this state is not precluded from making a loan for the benefit of a trust for which the bank or an officer or director of the bank acts as trustee, but is precluded from making the loan if an officer or director of the bank is a beneficiary of the trust.

This bill would reenact the above provisions, to be operative April 1, 1985 The bill would also make a nonsubstantive, clarifying change.

This bill would take effect immediately as an urgency statute

Ch. 20 (SB 183) Alquist. Taxation

(1) Under existing law, whether a retailer may add sales tax reimbursement to the sales price of the tangible personal property sold at retail to a purchaser depends solely upon the terms of the agreement of sale Existing law requires the State Board of Equalization to prepare and make available for inspection and duplication or reproduction a sales tax reimbursement schedule which shall be identical with specified tables which include, among other things, a sales tax rate up to 6½%.

This bill would additionally require that sales tax reimbursement schedule to include, beginning April 1, 1985, a table for a sales tax rate of 7%

(2) Existing law requires that the amount of penalty imposed under various state tax programs is to bear interest at a specified adjusted annual rate, compounded daily.

This bill would repeal those provisions as of July 1, 1985.

(3) Existing law, operative April 1, 1985, requires the State Director of Health Services to establish a schedule of hazardous waste disposal fees to be paid by persons who dispose of hazardous waste or submit hazardous waste for disposal and to deposit these fees in the Hazardous Waste Control Account. These fees are required to be paid directly to the State Board of Equalization and are required to be set to produce revenues sufficient to cover the costs incu .ed in administering specified hazardous waste regulation provisions These fees are due and payable monthly, pursuant to a specified proce-

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dure.

This bill would change the date when that provision becomes operative to July 1, 1985.

The bill would also provide that these fees are due and payable quarterly, as of July 1, 1985, or for periods longer than quarterly as determined by the State Board of Equalization.

(4) Existing law sets the amount of the fees, for that hazardous waste disposed of on land or applied to land, as specified. These statutorily set fees became effective July 1, 1984, and will remain in effect until March 31, 1985. Under existing law, these fees are to be paid until April 1, 1985, by operators of hazardous waste facilities and, after that date, by the persons disposing of that waste. Existing law limits the imposition of these fees to the first 3,500 tons of hazardous waste disposed of, or submitted for disposal per month, for specified categories of hazardous waste, until March 1, 1985.

This bill would change the date until which these fees are to be paid by hazardous waste operators to June 30, 1985, and would provide that on and after July 1, 1985, the fees are to be paid by the persons disposing of hazardous waste The bill would also change the date until which the tonnage limits remain in effect to July 1, 1985.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by extending the period of time during which operators of hazardous waste facilities, including cities, must pay certain fees.

The bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

Ch. 21 (SB 252) Seymour. Controlled substances.

Existing law defines the term "narcotic drug" for purposes of the California Uniform Controlled Substances Act as including specified salts, compounds, isomers, derivatives, or preparations of opium and opiate, and similarly of coca leaves.

This bill would delete the term "preparations" and certain restrictions from that definition as it applies to opium and opiate, would provide that it applies to natural or synthetic salts, compounds, isomers, or derivatives of opium and opiate, except as specified, would delete certain restrictions from that definition as it applies to coca leaves, and would include in the definition of "narcotic drug," cocaine and ecgonine, whether natural or synthetic, and any salt, isomer, derivative, or preparation thereof.

The bill would make similar changes to the description of substances contained in the listing of controlled substances establishing Schedule II thereof.

Under existing law, for purposes of the California Uniform Controlled Substances Act, the term "isomer" is not defined, but in lists of controlled substances establishing schedules thereof, it is specified that the term "isomer" includes one or more of the optical, position, or geometric isomers.

This bill would generally state that the term "isomer" includes geometrical and optical isomers, as specified.

The bill would make other corrective changes.

Article XIII B of the California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to 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 definition of various crimes

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.

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Ch 22 (AB 403) Agnos. Health.

(1) Existing law provides that the results of specified blood tests shall be confidential and not open to public inspection.

This bill, in addition to existing law, would provide that no person shall be compelled, as specified, to identify any individual who is the subject of a blood test to detect antibodies to the probable causative agent of acquired immune deficiency syndrome The bill would provide penalties for disclosure, as defined, of the results of the blood test, as defined, except as specified, including the assessing of civil penalties and the creation of a new misdemeanor. It would establish a right of action for actual damages Creation of a new misdemeanor constitutes a state-mandated local program

This bill would permit the State Department of Health Services to require blood banks and plasma centers to submit reports summarizing data concerning tests to detect the presence of viral hepatitis and antibodies to the probable causative agent of AIDS, as specified

It would prohibit a person, except as specified, from testing a person's blood for evidence of antibodies to the probable causative agent of AIDS without the written consent of the subject.

This bill would prescribe that the results of the blood test not be used in any instance for the determination of insurability or suitability for employment

It would also prescribe that neither the state department nor any blood bank or plasma center, including a blood bank or plasma center operated by a public entity, be liable for any damages resulting from a specified notification of test results.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for some of these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

The bill would take effect immediately as an urgency statute.

Ch 23 (AB 488) Roos. Blood banks and plasma centers AIDS.

(1) Existing law requires each blood bank, as defined, to make tests of all human whole blood received to detect the presence of viral hepatitis.

This bill would require each blood bank and plasma center, as defined, to test for the probable causative agent for acquired immune deficiency syndrome, except as specified. It would prohibit blood or blood components to be used in vivo for humans, unless the blood or blood components have been so tested and labeled nonreactive, except as specified. It would require all blood donors to be given a specified written notice and to sign a written confirmation of this notification It would require blood banks and plasma centers to utilize self-deferral and callback procedures. It would require blood banks and plasma centers, after a confirmation test, to report information to the State Department of Health Services to be included in a Donor Deferral Register, as specified. It would require laboratories which make the antibody test to be specially approved by the department. It would require each blood bank and plasma center to provide a specified notice of sites available for the antibody test It would establish procedures for notifying donors of test results. Violation of these requirements would be a misdemeanor punishable, as specified. To the extent these new requirements would apply to blood banks and plasma centers, operated by public agencies it would impose a state-mandated local program

(2) Under existing law, the department compiles a list of carriers and possible carriers of viral hepatitis who are prohibited from donating blood along with specified information.

This bill would require the department to include on the list individuals who test positive for antibodies to the probable causative agent of AIDS. It would name the list, the Donor Deferral Register It would permit the state department to develop guide-

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lines governing the instances when a person is removed from the registry, as specified.

(2.5) Existing law requires a physician or hospital in certain instances to report to the department prescribed information concerning persons with viral hepatitis Existing law requires the county health officer to investigate all transfusion-associated hepatitis cases and report certain information to the department Existing law requires the department, if possible, to contact certain carriers of viral hepatitis.

This bill would require the reports of a physician or hospital concerning persons with viral hepatitis to include the date of birth of the person It would require a hospital or physician to report all transfusion-associated AIDS cases to the county health officer It would require a hospital to report all confirmed cases of AIDS, as specified. It would require the county health officer to investigate all transfusion-associated AIDS cases. It would require county health or department officials to contact all persons with confirmed cases of AIDS, as specified These new requirements on local public operated facilities or local public officials impose a state-mandated local program

(3) This bill would require counties designated by the State Director of Health Services, as specified, to establish a testing program, within the funds available, for the detection of antibodies to the probable causative agent of AIDS and a program for confidential information and referral services for individuals who seek testing These requirements would impose a state-mandated local program. It would permit the director to waive these requirements. It would require the alternative test sites established pursuant to its provisions to be under the supervision of a physician and surgeon or be a clinic or health facility licensed by the state department and to meet prescribed criteria It would appropriate $5,000,000 from the General Fund to the state department which would be disbursed to counties by the department for these purposes, as specified. The appropriation would also be used to fund the development, procurement, and distribution by the state department of material on the antibody test and for the state department's administrative costs It would provide a delayed operative date for the provisions described in paragraphs 1 to 2.5, inclusive.

(4 5) This bill would provide that public and private entities shall not be held liable for unintentional disclosures of test results, as specified. It would also provide that neither the state department nor any blood bank or plasma center, including a blood bank or plasma center owned or operated by a public entity, shall be liable for any damages resulting from a specified notification of test results.

(4.7) This bill would amend a section added by AB 403 of the 1985–86 Regular Session which provides penalties for disclosure, as defined, to a third party of the results of a blood test, as defined, including the assessing of civil penalties and the creation of a new misdemeanor

This bill would delete the definition of "results of a blood test" and instead clarify that the prohibited disclosure of the results of the blood test to a third party involves a disclosure which identifies or provides identifying characteristics of the person to whom the test results apply.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

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

Ch 24 (SB 47) Rosenthal Social workers. license requirements.

Existing law requires any person applying for a license as a clinical social worker, on or after January 1, 1985, to have completed adequate instruction and training in the subject of alcoholism and other chemical substance dependency.

This bill would provide that this requirement applies only to applicants who matricu-

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late on or after January 1, 1986.

This bill would take effect immediately as an urgency statute.

Ch. 25 (AB 64) Costa. Horseracing: thoroughbreds.

(1) Existing law requires fairs conducting a thoroughbred meeting to pay owners' premiums at races having a total purse value of $5,000 or more

This bill would delete the $5,000 purse requirement for payment of owners' premiums and instead require the fairs to pay the owners' premiums in accordance with qualifying standards specified for other thoroughbred racing meetings.

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

Ch. 26 (AB 114) Papan. Special education: infant programs.

Under existing law, certain school districts, special education services regions, or county offices are required to provide early education programs for individuals with exceptional needs younger than 3 years of age.

This bill would enact the California Early Intervention Services Act. In addition to other specified duties, the Secretary of Health and Welfare and the Superintendent of Public Instruction would be required to select 3 demonstration projects to be conducted from January 1, 1986, to June 30, 1988, inclusive, to receive funding for the purpose of exploring effective means of coordinating and delivering interagency early intervention services, as specified. Portions of the act would be inoperative on July 1, 1988, and repealed January 1, 1989.

This bill would require the infant subcommittee of the State Planning Grant Advisory Committee in the State Department of Education to serve as an interagency task force on early intervention services. This bill would require the interagency task force to submit interim and final recommendations regarding specified matters to the Secretary of Health and Welfare and the Superintendent of Public Instruction.

The bill would require specified departments to delegate staff time and provide for necessary expenses from its existing budget for its staff members assisting the interagency task force, and would require the expenses of members other than state employees to be borne by the task force through its existing funds, as of the effective date of the bill, thus constituting an appropriation.

The bill would appropriate $183,500 to the Secretary of Health and Welfare for the provision of administrative staff for the task force, grants to the interagency demonstration projects for provision of administrative staff, and evaluation of the projects.

The bill would take effect immediately as an urgency statute

Ch. 27 (SB 117) Lockyer. Dentistry.

Existing law requires an applicant for a license to practice dentistry, including a foreign-trained applicant, to, among other things, pass a written examination, as specified, and give demonstrations of his or her skill in restorative technique.

This bill would exempt from that ~~written examination and~~* demonstration requirement an applicant who is a graduate of a foreign dental school accredited by a body which has a reciprocal accreditation agreement with any commission or accreditation agency whose findings are accepted by the Board of Dental Examiners. The bill would also make a technical change by correcting a cross-reference in existing law.

The bill would take effect immediately as an urgency statute.

Ch. 28 (AB 437) Vasconcellos. Institute for Computer Technology: funding.

Existing law authorizes the Institute for Computer Technology, a joint powers entity, to conduct a program of education and training in computer technology.

This bill would appropriate $60,000 to the Superintendent of Public Instruction for allocation to the Institute for Computer Technology for educational purposes as authorized by statute.

This bill would also direct the Legislative Analyst to report to the Legislature no later than ~~June 30~~ [September 6]*, 1985, regarding specified aspects of the institute's operations.

This bill would take effect immediately as an urgency statute.

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Ch 29 (AB 537) Calderon Victims of crimes

Various provisions of law relating to emergency award procedures for victims of crimes terminated as of January 1, 1985, and prior law in effect in 1981, which had been suspended, became effective again on January 1, 1985

This bill would restore the provisions establishing emergency award procedures as they existed prior to being terminated as of January 1, 1985

Prior law required the State Board of Control to report to the Legislature in 1984 on 1982 and 1983 emergency award advances which became uncollectible.

This bill would require such a report annually with respect to prior years

Under existing law, designated local victim centers are authorized to verify the claims processed by the centers

This bill would provide instead that the board may contract with local victim centers to provide verification of claims processed by the centers

Existing law, effective January 1, 1985, authorizes the State Board of Control 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 These provisions had been suspended for 2 years by 1983 legislation.

This bill would restore the repealed provisions by limiting the maximum cash payment to or on behalf of the victim to $23,000 for medical expenses, loss of wages, and job training, and by increasing the maximum cash payment to $46,000 if federal funds are available

This bill would also provide that specified provisions of the act be given retroactive effect.

This bill would take effect immediately as an urgency statute

Ch 30 (SB 18) Marks Pilots: Bays of San Francisco, San Pablo, and Suisun.

Existing law provides for a unified system of pilotage for the Bays of San Francisco, San Pablo, and Suisun, under the jurisdiction and control of the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays, and eliminates the separate classifications of bar pilots and inland pilots except that those existing inland pilots who apply prior to March 31, 1985, may be issued an inland pilot's license, renewable annually. Under existing law, all licensed pilots, including inland pilots who renew as inland pilots, but excluding any pilot who retires on or before December 31, 1988, are required to have federal endorsements. Under existing law, the board makes recommendations to the Legislature on the establishment of rates for pilotage

This bill would prohibit a pilot from holding both a pilot and an inland pilot license concurrently The bill would permit an existing inland pilot to apply for both a pilot license and an inland pilot license, and, if qualified for both, would direct the board to issue a pilot license The bill would, however, permit the applicant to surrender the pilot license and be issued an inland pilot license instead, and would prohibit reissuance of the surrendered pilot license

The bill would extend, from January 31, 1985, to March 31, 1985, the date by which federal endorsement is required, and would exclude from this requirement any existing inland pilot who applies for renewal of an inland pilot license on or before March 31, 1985.

The bill would specify that provisions relating to the suspension and revocation of pilot licenses generally, except for absence for more than one month without leave of the board, also apply to the category of inland pilots.

The bill would also add drug abuse, as described, as a ground for suspension or revocation of the license of any pilot.

The bill would require the board to review pilotage expenses in connection with its recommendations to the Legislature on the establishment of pilotage rates.

The bill would take effect immediately as an urgency statute

Ch. 31 (SB 568) L. Greene Housing statutes of limitation

(1) An existing provision of law relating to the adoption of building fees or charges by local agencies contains an erroneous cross-reference

This bill would correct that cross-reference.

(2) The existing Community Redevelopment Law requires that certain replacement housing units be provided wherever dwelling units housing persons and families of low

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or moderate income are destroyed or removed from the market and requires a certain percentage of the replacement units to be available for persons that have a certain level of income

This bill would revise and recast that provision.

(3) Existing law requires local agencies operating rehabilitation programs under the Marks-Foran Residential Rehabilitation Act of 1973 to submit an annual report to the Department of Housing and Community Development and to incorporate that report into another report required to be prepared for the Legislature. Existing law also requires those local agencies to report other specified information to the California Debt Advisory Commission.

This bill would delete the requirement that the local agency submit an annual report to the department and the requirement that the local agency incorporate that report in the other report to the Legislature

(4) The existing Landscaping and Lighting Act of 1972 permits various entities to levy assessments for improvements, as defined.

This bill would enact a statute of limitations for attacking the validity of an assessment under that act. The bill would also repeal an obsolete chapter heading contained in that act.

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

Ch. 32 (SB 596) Lockyer. Courts: powers.

Existing law authorizes a superior court, upon the petition of a trustee, beneficiary, or remainderman, to make specified modifications to a testamentary or inter vivos trust

This bill would authorize a superior court, upon the petition of a trustee, beneficiary, or remainderman, for good cause shown and with the consent of all the parties in interest, to divide a trust into two or more separate trusts.

The bill would take effect immediately as an urgency statute.

Ch. 33 (AB 68) Calderon Consumer loans: automobile sales financing.

Existing law regulates the assessment of finance charges on conditional sales contracts for the purchase of automobiles, as specified. Existing law specifies the maximum finance charge which may be collected on these contracts, depending on the method of computation.

This bill would specify that the above provisions setting forth the maximum finance charge which may be collected on conditional sales contracts for the purchase of automobiles shall apply when those contracts provide for unequal or irregular payments, or payments on other than a monthly basis

This bill would take effect immediately as an urgency statute.

Ch. 34 (AB 527) Cortese Fire Protection District Law of 1961.

Under the law as it formerly existed, it was within the discretionary power of a county board of supervisors to order the reorganization of an existing fire department or fire protection district in accordance with the Fire Protection District Law of 1961, if petitioned to do so by the taxpayers, voters, or the governing board. Legislation becoming operative on January 1, 1985, repealed this power, and, instead, now requires a board of supervisors to take specified courses of action in response to a petition, depending upon the number of protests filed and whether the affected territory is inhabited or uninhabited.

This bill would repeal the laws becoming operative on January 1, 1985, and restore the law to its former state.

The bill would take effect immediately as an urgency statute.

Ch. 35 (SB 39) Deddeh. Cigarette taxation. exemption.

Existing Cigarette Tax Law imposes excise taxes on the distribution of cigarettes by a distributor, as defined, with certain exceptions applicable to specific kinds of sales or other distributions.

This bill would exempt from the taxes imposed by that law sales of cigarettes by the original importer to a licensed distributor if the cigarettes are manufactured outside the United States.

This bill would take effect immediately as a tax levy

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Ch. 36 (SB 175) Watson. Board of Vocational Nurse and Psychiatric Technician Examiners.

Existing law defines an accredited school of vocational nursing and an accredited psychiatric technician program as one which, among other things, gives a course of instruction of not less than 1530 hours, approved by the Board of Vocational Nurse and Psychiatric Technician Examiners.

This bill would revise those provisions to provide that the course of instruction is to consist of not less than 1530 hours or 50 semester units. The bill would define one hour of instruction for those purposes.

Ch. 37 (SB 201) Beverly. Unemployment: wages.

Existing law contains provisions which define wages for purposes of unemployment compensation insurance benefits and unemployment compensation disability benefits.

This bill would exclude from the definition of wages any payment made by an employer to a survivor, or the estate of a former employee, after the calendar year in which the employee died.

This bill would take effect immediately as an urgency statute.

Ch. 38 (AB 601) Campbell. Regional park districts: board member: compensation

Under existing law, the board of directors of a regional park district, regional park and open space district, or [regional]* open space district may authorize each of its members to receive a per diem up to $100 per day for each attendance at public meetings of the board, subject to a monthly maximum of $500.

This bill would define board meetings for purposes of payment of per diem, would limit the per diem a board member could receive to a maximum of $100 per day, and retain the $500 per month maximum.

The bill would also make technical, nonsubstantive changes.

The bill would take effect immediately as an urgency statute.

Ch. 39 (SB 153) Presley. Courts.

(1) Chapter 1153 of the Statutes of 1984 applies to the courts in Riverside County, but contains a technical error with respect to provisions applicable to the superior court in Riverside County, by making an erroneous population reference.

This bill would correct that technical error, and would state that it is declaratory of existing law.

(2) Existing law appropriates $2,786,880 from the General Fund to the Controller for allocation and disbursement to local agencies for costs mandated by the state pursuant to Chapter 1311 of the Statutes of 1984, which created various superior court and municipal court judgeships.

This bill would make an appropriation by revising the purposes of that appropriation. Instead of allocating such moneys for disbursement to local agencies for costs mandated by the state, this bill would allocate $986,880 for disbursement as the state's share of salaries of superior court judgeships in augmentation of Item 0420-101-001 of the Budget Act of 1984, and $1,800,000 for disbursement as $60,000 block grants in augmentation of Item 0440-101-001 of the Budget Act of 1984

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

Ch 40 (AB 53) Chacon. Housing: bonds.

Existing law authorizes a city or county to issue bonds to defray costs related to housing.

This bill would require a city, county, or city and county, prior to approving the sale of bonds on a negotiated sale basis, to retain an investment firm to make specified findings of fact.

Under existing law, cities, counties, and cities and counties are required to report to the Treasurer on the amount of bonds proposed to be issued to finance certain multifamily rental housing. The maximum aggregate amount of bonds which may be issued is now limited to $900,000,000 in any calendar year.

This bill would raise the maximum aggregate amount of bonds which may be issued to $1,500,000,000 in any calendar year.

The bill would take effect immediately as an urgency statute.

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Ch 41 (AB 98) McAlister. Civil procedure

Existing law authorizes the Judicial Council, pursuant to specified procedures for the enforcement of judgments, to prescribe forms in languages other than English.

This bill would specify that the timely completion and return of a form prescribed in a language other than English would have the same force and effect as if an English language form were used

Existing law provides for the enforcement of a money judgment through a writ of execution by, among other things, the sale of property If the sale of the property was improper, an action may be commenced within 6 months after the date of sale to set aside the sale if the purchaser at the sale is the judgment creditor. Under existing law, if the sale of the property was improper, the judgment debtor may recover damages caused by the impropriety

This bill would provide that only the judgment debtor or the judgment debtor's successor in interest may commence an action to set aside the above sale. This bill would also allow the judgment debtor's successor in interest to recover damages caused by an impropriety in the sale

Existing law provides that, by filing an undertaking in a designated amount, a judgment creditor, as defined, may protect his or her interest in the ownership or right to possession of property, or a security interest or lien therein, against a third-party claim, except as specified

This bill would specify that the figure set for the amount of the undertaking is subject to the existing authority of the court to order the replacement or supplementation of a bond because of the insufficiency of the sureties or of the amount of the bond

This bill would also repeal provisions relating to civil arrest of witnesses and make various technical, nonsubstantive changes for clarification and to conform the amended provisions to other provisions of existing law

Ch 42 (AB 99) Johnston Emergency medical services

Under existing law, the Commission on Emergency Medical Services is composed of 14 appointed members with specified backgrounds.

This bill would alter some of the backgrounds which make persons eligible to serve on the commission, and would provide for transferring an otherwise eligible member to serve in a position with a background permissible under the changes made by this bill

The bill would also, at the discretion of the appointing power or body, permit a member of the commission to continue to serve and to be reappointed if he or she no longer functions in the capacity which originally qualified the member for appointment, except as specified.

Ch 43 (SB 46) Torres Witnesses minors· sex offenses.

Existing law contains provisions for videotaping of the preliminary hearing testimony of a minor 15 years of age or less in specified cases and for admission of the video tape as evidence at trial, as specified; provisions for exclusion of the public or, alternatively, the use of closed-circuit televising or a videotaped deposition at a preliminary examination in certain cases involving sex offenses, a prohibition of psychiatric or psychological examinations to assess credibility, a prohibition against requiring a complaining witness in a sex offense case to take a polygraph examination, and procedures for determining the relevancy of evidence of sexual conduct out of the presence of the jury. More generally the court is required to control the mode of interrogation of a witness, and is required to consider the needs of a child victim of a lewd or lascivious act and to do whatever is necessary and constitutionally permissible to prevent psychological harm to the child Existing law also defines oral examination as examination in the presence of the jury or tribunal, and secures to a defendant the right to confront and cross-examine witnesses

This bill would allow the court in any criminal proceeding, upon motion, to order the testimony of a minor 10 years of age or younger involving an alleged sexual offense to be taken by contemporaneous examination and cross-examination in another place and communicated to the courtroom by means of 2-way closed-circuit television, as specified

The bill would require the Judicial Council to report to the Legislature concerning those procedures

The bill would take effect immediately as an urgency statute

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 44 (AB 126) M. Waters. Hazardous waste. enforcement.

Existing law authorizes the imposition of a fine of between $5,000 and $50,000 upon persons knowingly disposing of hazardous waste in an unauthorized manner or knowingly transporting hazardous waste to an unauthorized point or facility. Existing law also authorizes the imposition of a fine of between $5,000 and $25,000 upon persons convicted of a second or subsequent violation of specified provisions, permits, and regulations concerning hazardous waste

This bill would make the imposition of these fines mandatory.

The bill would also make technical, nonsubstantive changes to provisions concerning the disposal of hazardous waste on public lands.

The bill would take effect immediately as an urgency statute.

Ch. 45 (SB 196) Foran. Vehicles: parking.

Existing law authorizes a local authority to issue permits which allow the owner or lessee of property to park a vehicle in front of the owner's or lessee's private driveway if the local authority adopts an ordinance which includes specified requirements.

This bill would delete the provision that the local authority's parking ordinance include specified requirements.

Ch 46 (SB 240) L. Greene. State highways. Routes 65 and 148.

Existing law describes the state highway routes. The California Transportation Commission is authorized to select, adopt, and determine locations for state highways on authorized routes and the Department of Transportation has authority to lay out and construct the state highways.

This bill would revise the route descriptions for State Highway Routes 65 and 148.

Ch. 47 (SB 293) Royce. Vehicles: U-turn

Under existing law, it is unlawful for a person to make a U-turn with a vehicle in a business district, except at an intersection, or on a divided highway where an opening has been provided, as specified. A person who violates this provision is guilty of an infraction.

This bill would require that the turning movement for a permitted U-turn in a business district be made as close as practicable to the extreme left-hand edge of the lanes moving in the driver's direction of travel immediately prior to the initiation of the turning movement, when more than one lane in the direction of travel is present. This bill would create a state-mandated local program, in that a person who violates this provision would be guilty of an infraction.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 48 (SB 331) McCorquodale. Mosquito abatement.

(1) Existing law authorizes a mosquito abatement or vector control district established pursuant to certain provisions to adopt an ordinance to fix an emergency mosquito abatement standby charge. Existing law also authorizes a county board of supervisors to fix an emergency mosquito abatement charge in a prescribed manner. The ordinance is required in each instance to establish schedules varying the charges according to land uses, water uses, and degree of hazard.

This bill would require that each ordinance establish schedules varying charges according to land uses only.

(2) This bill would also make a technical change regarding the levy, collection, and enforcement of pest abatement district liens.

(3) Under existing law, a mosquito abatement or vector control district formed prior to January 1, 1985, or any district authorized to impose taxes pursuant to specified provisions may levy, in a specific manner, a benefit assessment or service charge against parcels of land within the district to pay for the cost of inspection and protection against mosquitoes, flies, or other vectors.

This bill would permit any mosquito abatement or vector control district to levy the charge or assessment.

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

NOTE: Superior numbers appear as a separate section at the end of the digests.

Ch. 49 (SB 31) Marks. Validations

This bill would enact the First Validating Act of 1985, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities

This bill would take effect immediately as an urgency statute.

Ch. 50 (SB 89) Maddy Fishing nets: gill and trammel nets.

(1) Under existing law, the use of gill nets and trammel nets is prohibited in District 17 between Point Santa Cruz and near Seaside in waters 15 fathoms or less in depth and between Franklin Point and Waddel Creek in waters 25 fathoms or less in depth. Existing law also authorizes the Director of Fish and Game to order the prohibition or restriction of the use or the method of use, size, or materials in those nets for a specified period in all or part of District 17, or, after public hearing, in District 10 and a specified part of District 18, if the director determines that certain species are endangered, as specified. ~~The director may also order that prohibition or restriction after public hearing in all or part of District 10 or north of Port Conception in District 18.~~* The order takes effect 48 hours after its issuance The director is also required to rescind the order if he or she determines it is no longer necessary.

This bill would, instead, prohibit those nets in District 17 between Waddel Creek and Yankee Point in waters 15 fathoms or less in depth and between Franklin Point and Waddel Creek in waters less than 25 fathoms in depth.

The bill would also prohibit those nets in District 18 north of Point Sal in waters 15 fathoms or less in depth, but would permit that use south of Point San Luis for a specified period under an order of the director based upon written findings, as specified, and would exempt specified mesh size nets from the prohibition between Yankee Point and Point Sal.

The bill would require the Department of Fish and Game to explore alternative fishing gear and methods for halibut fishing, as specified

The bill would change the condition under which the director could order the prohibition or restriction on those nets to whenever he or she determines the use is having an adverse impact, as defined in the bill, on any population of the specified species, would change the requirement for a prior public hearing in Districts 10 and 18 to a postregulatory hearing, and would make the order take effect no later than 48 hours after its issuance.

The bill would also delete the requirement for rescission of the order, would reduce the initial period of the effectiveness of the order from 180 days to 120 days, and additionally, would authorize extension of the order on the basis of the condition of a local population of fish

The bill would impose a state-mandated local program by extending the prohibition against use of those nets into new areas, thereby, creating or changing the definition of a crime.

(2) Under existing law, until July 1, 1985, moneys in the Fish and Game Preservation Fund are continuously appropriated to the Fish and Game Commission and the Department of Fish and Game for specified purposes

This bill would, if enacted prior to July 1, 1985, cause added revenue to be deposited in the fund, impose new duties on the department, and require expenditures from the fund, all prior to July 1, 1985, and, thereby, would make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 51 (SB 1463) Dills Solid waste resource recovery projects

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 is required to certify that the permit is consistent with the county solid waste management plan, the applicable general plan, and solid waste management standards prior to forwarding the copy of the proposed solid waste facilities permit to the California Waste Management Board, which is then authorized to concur or object to the issuance of the permit by the enforcement

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agency.

This bill would provide that a solid waste facility for the conversion of solid waste into energy is deemed to be permitted, pursuant to these provisions, if the facility meets certain conditions concerning its location, the agencies undertaking the facility, and the certification of the permit by the enforcement agency

The bill would make a ~~statement of~~* legislative ~~intent~~ [declaration]* that ~~this bill does not constitute a special statute~~ [a general statute cannot be made applicable]* , based upon specified facts, and would take effect immediately as an urgency ~~measure~~ [statute]*.

Ch. 52 (SB 176) Seymour Driving records public inspection.

The Department of Motor Vehicles was authorized, until July 1, 1984, to conduct a demonstration program to evaluate the effect on traffic safety of the withholding from public inspection one conviction on the driving record of selected persons meeting specified requirements. This program terminated on July 1, 1984.

This bill, until January 1, 1991, would authorize the department to withhold one conviction, as specified, from public inspection, except records disclosed to specified governmental agencies, under specified conditions.

Ch 53 (SB 281) Mello Public works. mutual water companies

Under the Improvement Act of 1911, if a work or improvement to be accomplished relates to electric, gas, or telephone service, and the place in which the work or improvement is contemplated is within the service area of a public utility or public agency supplying that service, the legislative body undertaking the work or improvement may enter into an agreement with the utility or agency with regard to the proposed work or improvement, as specified

This bill would add sanitary sewers, instrumentalities of sanitation, domestic water supplies, and industrial water supplies to the above-stated works or improvements that the legislative body may enter into such an agreement. The bill would also add mutual water companies to the entities with whom the agreements may be made.

The bill would make similar conforming changes for works or improvements performed pursuant to the Municipal Improvement Act of 1913

Ch. 54 (AB 553) Papan. State Teachers' Retirement System. Investments

In June 1984, the constitutional provisions relating to the investment of funds of public retirement systems were revised and a so-called prudent expert standard was imposed, instead of detailed prescriptions of permitted and prohibited investments. Previously enacted statutes specifically authorize the State Teachers' Retirement System to enter into security loan agreements, as specified, and to make specified real property investments.

This bill would repeal those statutes and express the related intent of the Legislature.

Ch. 55 (AB 72) Felando Education: Awareness Program.

Existing law provides for a program to help make nonhandicapped pupils aware of the special problems encountered by individuals with exceptional needs, and of how these individuals overcome their problems Under this program, the Superintendent of Public Instruction is required to select up to 6 elementary school districts from throughout the state for the purpose of establishing in those districts an Awareness Program on a pilot project basis.

This bill would specify that the school districts eligible for this selection are any school districts maintaining the grades kindergarten and 1 to 8, inclusive.

This bill would take effect immediately as an urgency statute.

Ch. 56 (SB 320) Foran Department of Transportation· appropriation

This bill would appropriate $7,500,000 from the State Highway Account in the State Transportation Fund for allocation to the Department of Transportation in augmentation of the appropriation made in the Budget Act of 1984 for payment of tort liability settlements and judgments. The bill would take effect immediately as an urgency statute.

NOTE: Superior numbers appear as a separate section at the end of the digests.

Ch 57 (SB 409) Craven Real estate: violations: criminal provisions.

Existing provisions of law regulating real estate licensees and transactions involving subdivided lands contain various criminal penalties for violation thereof.

This bill would provide that those existing provisions of law shall not be construed to preclude application of other criminal laws to acts or omissions constituting such violations.

Ch. 58 (AB 811) Johnston. Apprenticeship education.

Under existing law, school districts and community college districts receive reimbursement at a specified rate for providing instruction to apprentices enrolled in classes of related and supplemental instruction pursuant to an apprenticeship agreement.

Existing law specifies that for purposes of the California Firefighter Joint Apprenticeship Program, classes of related and supplemental instruction which qualify for funding include, but are not limited to, classes which meet specified requirements, including the requirement that the person providing the instruction is qualified, by means of education or experience, as a journeyman and shares the responsibility for supervision of the apprentices participating in the classes with the certified community college coordinator.

~~This bill would require that person to share the responsibility for the supervision of the apprentices participating in the classes with the certified community college coordinator.~~[a]

This bill would instead require that person to share the responsibility for the supervision of the apprentices participating in the classes with the certified community college or adult education coordinator.

Ch 59 (AB 708) Peace. Salton Community Services District.

Existing law does not generally authorize community services districts, with certain express exceptions, to enforce covenants, conditions, and restrictions adopted for each tract in the district and to assume and perform the duties of the architectural control committee for each tract.

This bill would authorize the Salton Community Services District, upon approval of a majority of the voters voting on the proposition, to enforce those covenants, conditions, and restrictions and perform those architectural control duties. It would, however, permit the district to exercise the duties of an architectural control committee for any tract only to the extent authorized by the covenants, conditions, and restrictions applicable to the tract

Ch 60 (AB 925) Baker. Rossmoor Special Community Services District.

(1) Existing law requires an ordinance adopted pursuant to the Rossmoor Special Community Services District Law calling an election to, among other things, designate the polling place or places, and appoint an inspector, judge, and clerk for each precinct.

This bill would delete the requirement that those provisions be included in the ordinance

(2) Existing provisions of that law specify the procedure to be followed for nominating directors of the district.

This bill would repeal that provision.

(3) Existing provisions of that law specify that all vacancies in the office of a director are to be filled by a special district election.

This bill would, instead, require those vacancies to be filled in accordance with other existing provisions of law.

Ch. 61 (AB 162) Killea. 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.

With specified exceptions, the coroner may, pursuant to a county ordinance, charge and collect such expense, up to $100, from the person entitled to control the disposition of the body, and, if not paid, from the estate of the decedent.

This bill would prohibit this charge from being imposed if the body is that of a child not more than 14 years of age, or if the coroner ascribes the death of the deceased to the criminal act of another, unless the coroner has reasonable grounds to believe that the deceased was involved in any criminal activity which contributed to his or her own death.

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Ch. 62 (SB 207) L. Greene. California Exposition and State Fair: appropriation.
Existing law requires the California Exposition and State Fair to provide an annual fair.

(1) This bill would appropriate $2,200,000 from the General Fund to the Controller for allocation to the California Exposition and State Fair for support expenditures in the 1984–85 fiscal year and for payment of claims, as specified.

(2) The bill would also require the General Manager of the California Exposition and State Fair to submit, as specified, a report on the status of the fair's negotiations with the County of Sacramento regarding Bushy Lake.

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

Ch 63 (AB 479) Calderon Community colleges: governing boards. compensation of members.

Existing law ~~established~~ [contains]* a statutory scheme providing for the compensation of members of the governing ~~board~~ [boards]* of community college districts [, based upon an amount per meeting of the board actually attended, not exceeding a maximum monthly amount, as specified. The compensation varies in amount, depending upon the number of pupils in attendance in the particular district in 1963–64 or 1972–73, as specified]*

This bill would repeal ~~and recast~~* the provisions of current law. This bill would prescribe the maximum compensation community college district governing board members may receive in any month, ~~as prescribed,~~* and would condition the receipt of the maximum [upon actual attendance]* of the member at each meeting of the governing board held in any month. This bill would specify that any member who does not attend each meeting of the governing board held in any month may receive a pro rata share of the maximum rate of compensation authorized by this bill for meetings actually attended

[This bill also would require that the number of pupils in attendance at a district be determined by the use of 1982–83 data, for purposes of determining the size of the district which, in turn, would determine the applicable compensation schedule]*

Ch 64 (SB 312) B. Greene Unemployment insurance

Existing law permits a person to receive unemployment insurance benefits if he or she works less than the normal workweek under a plan for participation in a shared work unemployment compensation benefit program which is approved by the Director of Employment Development, and certain other conditions are met.

This bill would delete the general requirement that a new plan shall not be approved during the 26-week period beginning with the expiration of a previously approved plan except under a specified condition It would be operative with respect to plans in effect on and after April 1, 1985, and with respect to weeks of unemployment beginning after that date

The bill would take effect immediately as an urgency statute.

Ch. 65 (AB 891) Cortese Improvement bond acts.

(1) The Improvement Bond Act of 1915 prescribes the form, content, and registration of improvement bonds issued pursuant to the act and prescribes the procedures for the redemption of the bonds and the payment of interest thereon

Under existing law, the bond maturity date is the 2nd day of July next succeeding 10 months from the issuance date of the bond and the date for the annual payment of principal is the 2nd day of July The semiannual interest payment dates are the 2nd day of January and July, respectively. The Refunding Act of 1984 for 1915 Improvement Act Bonds contains similar maturity dates for specified refunding bonds.

This bill would change the bond and refunding bond maturity date to the 2nd day of September and would change the semiannual interest payment dates to the 2nd day of March and September, respectively.

(2) Presently, the bonds bear interest at a rate not in excess of 8% per annum and interest is payable semiannually by coupon to the bearer of the bond

This bill would change the interest rate to a rate not in excess of the maximum rate permitted by law and would eliminate references to coupons The bill would provide for registered bonds, rather than bearer bonds, and would provide for payment of interest to the registered holders of the bonds as their names and addresses appeared on the records of the issuing agency or its registration agent on the 15th day preceding

the interest payment date.

(3) Under existing law, the maturity date of bonds may be advanced to the 2nd day of January or July in any year. In that event, the holder or owner of the bond may surrender the bond prior to the date of advanced maturity and receive the principal and interest thereon to the date of payment together with a premium thereon equal to 5% of the principal

This bill would change the advanced maturity date to the 2nd day of March or September in any year and would permit the legislative board to reduce the redemption premium to an amount not less than 3%.

(4) Existing law provides for the collection of more than 6 months' interest on the first installment of taxes.

This bill would repeal those provisions.

(5) Existing law provides that if a deficiency occurs in the redemption fund with which to pay past due bonds, interest coupons, or bonds or interest coupons, which will become due during the current tax collecting year, but it does not appear to the treasurer that there will be an ultimate loss to the bondholders, the treasurer is required to pay matured bonds and interest as presented as long as there are available funds in the redemption fund Existing provisions provide for registering and numbering the bond or interest coupon when there is a lack of funds for redemption, and for ultimate payment according to the numbering sequence.

This bill would establish a priority for bond interest payments when the redemption fund is deficient, as specified.

(6) The Municipal Improvement Act of 1913 provides for the issuance of bonds by a city, county, or city and county, or other public entity or agency pursuant to the Improvement Bond Act of 1915 to fund work and improvements which are for a public purpose or which are necessary or incidental to a public purpose. The bonds, when issued, bear interest

This bill would permit the funding of up to one year's interest when interest payments at and prior to the maturity of the first annual series of bonds exceed one year's interest

(7) The bill would not apply to any improvement bonds issued prior to the effective date of the bill. In addition, the bill would not apply to improvement bonds to be issued in any special assessment proceedings initiated by a resolution of intention adopted prior to the effective date of the bill, except that the legislative body of the issuing agency may elect by resolution to make the bill applicable to that bond issue.

(8) The bill would make numerous conforming changes.

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

Ch 66 (AB 86) Hauser 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 300 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 permit the City of Willits within the County of Mendocino to annex 3,100 acres of noncontiguous territory to the city to be used for municipal water purposes

The bill would declare the necessity for a special law applicable only to the City of Willits.

Ch 67 (SB 294) Ayala Cities and counties: general plan.

Existing law requires each city and county to adopt general plans for conservation and development of the territory within the city or county, and prescribes various specified elements to be included

Until January 1, 1986, the required scope of general plans is limited by a requirement that they address each of the mandatory elements to the extent that the subject of the element exists in the planning area The Office of Planning and Research is required to report to the Legislature on this requirement by January 1, 1985, and make recommendations as to the desirability of continuing this requirement in force beyond January 1, 1986

NOTE: Superior numbers appear as a separate section at the end of the digests.

This bill would relocate this provision to another section, but would omit therefrom the provisions regarding the report by the Office of Planning and Research and the January 1, 1986, termination date on provisions specifying the required scope of general plans.

Ch. 68 (SB 404) Robbins. Insurance fraternal benefit societies

Existing law exempts from regulation under the Insurance Code, with specified exceptions, certain lodges and subordinate branches of lodges providing specified death or disability benefits.

This bill would additionally exempt an organization authorized to operate pursuant to a superior court judgment, as specified

Ch 69 (SB 652) Robbins. Public guardians· guardianship or conservatorship proceedings

Existing law permits a claim by the public guardian against a ward's estate for reasonable expenses incurred in the execution of a guardianship or conservatorship along with just and reasonable compensation for the guardian and his or her attorney as determined by the court, but prohibits the county clerk from filing for fees for any official services performed by the clerk in the course of a guardianship or conservatorship petition

This bill would delete the above prohibition and specifically permit a claim by the public guardian against a ward's estate for the filing and processing services of the county clerk.

Ch 70 (SB 212) Ellis. Parking and business improvement areas

Under existing law, the city council is required to adopt a resolution of intention, as prescribed, to initiate proceedings to establish a parking and business improvement area under the Parking and Business Improvement Area Law of 1979

This bill would permit the adoption of a resolution of intention by the city council either on its own initiative or upon a request to do so by at least 20% of the owners of businesses within the area to be formed

Ch 71 (SB 123) Stiern Storm water districts

Under existing law, the clerk of the board of supervisors is required to send a specified notice of the formation of a storm water district under the Storm Water District Act of 1909 to each property owner within the proposed district by registered mail

The bill would instead require the notice to be sent by certified mail.

Ch. 72 (AB 212) Hauser. Dogs licenses, license fees, and fines.

(1) Under existing law, if 25 electors who own domestic livestock petition the board of supervisors to provide for the issuance of dog license tags, the board is required to do so

This bill would delete the above-stated requirement and instead authorize the board to provide for the issuance of dog licenses, generally.

(2) Under existing law, if a county chooses to issue dog license tags, the tags are issued annually

This bill would instead require the licenses to be issued for a period of up to 2 years

(3) Existing law authorizes the legislative body of a city to impose and collect an annual license fee not exceeding the cost of services relating to dogs, including, but not limited to, animal shelters and control

This bill would instead authorize a city to impose and collect the license fee for a period not to exceed 2 years and would also authorize a city to include in the cost of services upon which the license fee is based, the programs that counties and cities are required to fund from fines and license fees relating to dogs

Ch. 73 (SB 388) Rosenthal Health insurance orthotic and prosthetic devices and services.

Existing law does not require health care service plans, disability insurers, and nonprofit hospital service plans to offer coverage for orthotic and prosthetic devices and services.

This bill would require those group policies and plans to offer that coverage, as specified

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Ch. 74 (SB 305) Montoya. Weights and measures

Under existing law, until January 1, 1986, a county board of supervisors is authorized to charge an annual device registration fee, as specified, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer.

This bill would extend this authorization until January 1, 1988

Ch. 75 (SB 828) Marks Redevelopment agencies· multifamily rental housing

Under existing law, redevelopment agencies operating in jurisdictions with populations in excess of 600,000 are granted special authority until January 1, 1986, to provide for multifamily rental units outside of a project area.

This bill would extend the period of this authorization to January 1, 1988

Ch. 76 (AB 984) Condit. Mobilehome parks· sales of mobilehomes

Existing law authorizes the management of a mobilehome park to reject the purchaser of a mobilehome that will stay in the park after purchase for specified reasons, including inability to pay the rent or other charges

This bill would require a specified refund or offset against the first month's rent for any fee or charge imposed for a financial report or credit check of the prospective purchaser However, the management would be entitled to retain the fee or a portion of the fee to defray its administrative costs if the management approves the prospective buyer, but the prospective buyer does not purchase the mobilehome

Ch 77 (AB 135) Bradley Coroners inquest money and property of deceased

Existing law requires a county coroner, following an inquest upon a dead body, to dispose of any money or other property found upon the body, as follows

(a) Within 30 days after the inquest, the coroner is required to deliver the money and property to the legal representatives of the deceased

(b) If, within 30 days after the inquest, no legal representative makes a demand for the money or property, the coroner is required to deliver to the treasurer any money and to sell the property at public auction and deliver the proceeds to the county treasurer, to the credit of the county At the same time, the coroner is required to deliver an affidavit to the treasurer containing prescribed information

(c) If, within 40 days after the inquest, the coroner fails to deliver to the treasurer all money and proceeds from the sale of property found upon the body and not claimed in the meantime, the district attorney is directed to initiate civil proceedings against the coroner to recover the money or proceeds

This bill would extend the time periods specified in (a), (b), and (c), above, to 90, 90, and 120 days, respectively.

Ch 78 (AB 227) Leonard Big Bear Airport District temporary negotiable notes

Existing law provides for the formation, organization, and operation of airport districts under the California Airport District Act Airport districts may presently issue temporary negotiable notes at not more than 8% interest and not exceeding $500,000 in total amount outstanding Existing law relating to the maximum rate on notes issued by a local agency, generally, states that until January 1, 1986, the rate may be 12% per year The maximum rate would be 10% on and after that date

The bill would authorize the Big Bear Airport District to issue these notes at not greater than the maximum rate permitted by the law relating to notes issued by a local agency, generally, and not exceeding $1,500,000 in total amount outstanding

The bill would take effect immediately as an urgency statute

Ch 79 (AB 624) Hauser Juries

Existing law provides that an active judge of a court of record is exempt from jury service. A justice court is not a court of record

This bill would provide that a full-time judge of a justice court is exempt from jury service.

Ch. 80 (AB 781) Sher. Unsolicited services.

Existing law prohibits the voluntary and unsolicited sending of goods, wares, or merchandise not actually ordered or requested by the recipient, either orally or in writing The recipient may keep as an unconditional gift any unsolicited goods, wares, or merchandise which are sent and may bring an action to enjoin the sending of bill statements or requests for payment with respect to those unsolicited goods, wares, or merchandise

NOTE: Superior numbers appear as a separate section at the end of the digests

This bill would make these provisions applicable to the voluntary and unsolicited providing of services not actually ordered or requested by the recipient, either orally or in writing.

Ch. 81 (AB 970) Clute. Counties: funds: void warrants.

(1) Existing law requires officers of a county or a judicial district who are authorized to collect money which is payable into the county treasury to pay all of the money into the treasury by specified times and to file a cash statement with the county auditor.

This bill would remove the requirements that the money be paid into the treasury at specified times and that a cash statement be submitted to the auditor and would, instead, require that the money be paid into the county treasury in the form and at the time that the county auditor requires.

(2) Under existing law, unless otherwise provided by ordinance, a county warrant is void if not presented for payment within 6 months of its date of issuance.

In the case of a warrant which has become void, the governing body, within a 2-year period following the date upon which the warrant became void, may either order the county auditor to draw a replacement warrant, or adopt a resolution authorizing the auditor to draw replacement warrants in such cases without the governing board's approval of individual warrants.

This bill would delete the authority of the governing body to approve the issuance of individual replacement warrants, and would provide additional authority for the governing body to authorize the auditor to issue replacement warrants in individual cases.

Ch 82 (AB 304) Condit Child abuse· counseling for perpetrators of

Existing law requires, to the extent funds are provided in the 1985–86 Budget Act, the Office of Criminal Justice Planning to establish pilot projects in not more than 3 counties to test a program to provide counseling to persons convicted of specified sexual crimes against a minor when the persons are to be confined or placed on probation in a pilot county.

This bill would authorize a court to exclude from counseling any convicted person who is confined in a pilot county, if the person is found by the court not to be amenable to counseling on either of 2 specified bases.

Existing law requires the Office of Criminal Justice Planning and the county mental health department in each participating county to submit specified reports to the Legislature within 6 months of completion of any of the pilot projects.

This bill would delete the requirement that the county mental health department in each participating county submit those reports to the Legislature and would provide that the reports shall be submitted to the Legislature within 6 months of completion of all, rather than any, of the pilot projects.

The bill would, in addition, provide that the Office of Criminal Justice Planning shall not utilize for administrative expenses more than 5% of the funds which are appropriated for the pilot projects.

The bill would transfer these provisions from the Welfare and Institutions Code to the Penal Code.

The bill would take effect immediately as an urgency statute

Ch. 83 (AB 1014) M. Waters. Economic development

(1) Under the Enterprise Zone Act, the Department of Commerce is authorized to designate no more than 10 areas as enterprise zones based on applications submitted by cities or counties proposing the designation of areas within their respective jurisdictions based upon specified findings that those areas are depressed areas and in need of private sector investment. The act authorizes the establishment of nonprofit neighborhood enterprise association corporations, in accordance with prescribed criteria, to provide technical and financial assistance to private sector investors within the enterprise zones. The act requires the leasing to these corporations of specified state and local government land and authorizes the corporations to sublease or assign their leasehold interest to private entities conducting business operations within the zones.

This bill would change the qualifications and procedures for designation as an enterprise zone. It would revise the procedures for the formation of nonprofit neighborhood enterprise association corporations and revise the requirements governing environment

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impact reports for development planned within enterprise zones.

(2) Under the Employment and Economic Incentive Act, the Department of Commerce is authorized to designate 9 neighborhood economic development areas and 9 targeted economic development areas within the state for renewable 5-year periods upon application by cities and counties. This demonstration program provides tax incentives, special assistance, startup capital, and other incentives for private investments and employment within the areas

This bill would instead authorize the department to designate 9 program areas, each consisting of one targeted economic development area and, where applicable, one neighborhood economic development area

This bill would change the definitions of neighborhood economic development area and targeted economic development area for purposes of the act and would revise various other definitions contained in the act It would make designation of these areas effective for a 15-year period. It would make various clarifying and technical changes in the application procedures for designation by the department

The bill would extend from December 31, 1986, to December 31, 1987, the operation of a provision requiring the California Industrial Development Financing Advisory Commission to authorize an annual maximum amount of qualifying bonds of $75,000,000 for specified purposes of the 2 acts amended by the bill

(3) The bill would appropriate $125,000 from the General Fund to the Department of Commerce for expenditure until July 1, 1985, for purposes of this act and the 2 acts amended by this bill

The bill would take effect immediately as an urgency statute.

Ch. 84 (SB 1434) Rosenthal Health care service plans: acupuncture

Existing law requires health care service plans that are not health maintenance organizations, as defined, to offer acupuncture coverage to group contract holders under those terms and conditions as may be agreed upon by the parties, with specified exception.

This bill would exempt health care service plans that enter exclusively into specialized health care service plan contracts, as defined, from that requirement.

Ch 85 (AB 841) Kelley 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, that 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 make it a policy of the act that comments from the public and public agencies on the environmental effects of a project be made to lead agencies as soon as possible in the review of environmental documents and that information on significant effects of a project, alternatives, and mitigation measures be made available as soon as possible by lead agencies, other public agencies, and interested persons and organizations The bill would not reduce or otherwise limit currently prescribed public review or comment periods.

Ch. 86 (AB 1470) Bader In-home supportive services

Under existing law, in-home supportive services are provided to aged, blind, or disabled persons, who are unable to perform the services themselves, and who cannot safely remain in their homes or abodes of their own choosing unless the services are provided.

Under existing law, if the amount appropriated by the annual Budget Act along with the amount of a specified county matching fund requirement is insufficient to meet all service needs of the program, program reductions are required to be made. The program is administered by the counties to which funds are allocated for that purpose

This bill would require counties to be notified of allocations by July 31 of each fiscal year, and require the counties to submit a plan to the State Department of Social Services within 30 days, showing how the county will keep its expenditures for this program within the amount of its allocation plus any matching funds required to be expended by each county, as well as to report various IHSS program data to the State Department of Social Services by August 31 of each year. The bill would thus contain

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a state-mandated local program

The bill would also require an annual report to be submitted by the State Department of Social Services on or before January 10, to the Joint Legislative Budget Committee and the fiscal committees of the Legislature, which shall contain specified IHSS program data, including compilations of data collected by each county, actual and estimated program expenditures, and any program reductions.

This bill would appropriate $6,968,300 from the General Fund to the State Department of Social Services in augmentation of a specified item in the Budget Act of 1984.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional statutory provisions.

This bill would also take effect immediately as an urgency statute

Ch 87 (AB 1075) Johnson Community redevelopment

The existing Community Redevelopment Law generally prohibits an officer or employee of a redevelopment agency or of the community, as defined, who is required to participate in the formulation of, or to approve plans or policies for, the redevelopment of a project area from acquiring any interest in any property included within a project area and requires those officers or employees who own or have any direct or indirect interest in any property within a project area to make a written disclosure of that interest to the redevelopment agency and the legislative body of the county or city.

Existing law permits a legislative body of a city or county that has declared itself to be the redevelopment agency for purposes of the Community Redevelopment Law to create a community redevelopment commission Existing law requires a community redevelopment commission, if one is created, to, among other things, prepare a redevelopment plan for each project area, conduct hearings on the plan, and adopt and submit the plan to the legislative body of the city or county

Existing law prohibits a member of a community redevelopment commission from acquiring any interest in any property included within a project area and requires any member who owns or has any direct or indirect financial interest in any property within a project area to make a written disclosure of that interest to the legislative body.

This bill would specify that a rental agreement or lease of property which meets certain requirements is not an interest in property for purposes of those provisions

Ch 88 (AB 192) McClintock Transportation permits extralegal loads

Under existing law, the height of vehicles or loads on the highway is generally limited to 14 feet, except as specified, and the length is generally limited to 65 feet, except as specified Other existing provisions of law authorize issuing of permits for vehicles transporting certain loads over 13 feet 6 inches, but less than 14 feet, in height and for vehicles transporting produce up to 65 feet in length

This bill would repeal those special permit authorizations

Ch 89 (AB 1102) Harris Secured creditors financing statements

Under existing law, a financing statement filed pursuant to a provision of the Commercial Code relating to secured transactions is effective for 5 years, but may be extended in 5-year increments by the timely filing of continuation statements The decision in SCT (USA), Inc v Mitsui Mfg. Bank (155 Cal App 3rd 1059) interpreted this provision so as to exclude the date of filing when computing the expiration date of a financing statement.

This bill would specify the precise period of effectiveness of these statements, including situations where the statement's fifth anniversary date on Saturday, Sunday, a legal holiday, or February 29 This bill would make these statements effective from the time of filing and for the entire day of their last day of effectiveness The bill would apply to filings both before and after its effective date and declares that its provisions are clarifi-

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cations.

Ch. 90 (AB 690) Sher. Uniform Transfers to Minors Act

The California Uniform Transfers to Minors Act provides for transfers of property to minors, to be held by a custodian, from various parties or entities, as specified.

This bill would provide that the transferor may designate in the manner set forth by this bill, one or more persons to serve, in a designated order of priority, in the event the original custodian or a prior successor is unable, declines, or is ineligible to serve or resigns, dies, becomes incapacitated, or is removed.

Existing law provides that if a custodian is ineligible, dies, or becomes incapacitated without having effectively designated a successor and the minor has attained the age of 14 years, then the minor may designate the successor custodian, as specified.

This bill would provide that the ~~14/year old~~* minor [, 14 years of age or older,]* may designate the successor custodian only if neither the custodian nor the transferor have effectively designated a successor custodian.

This bill would also make technical, nonsubstantive changes in existing law.

Ch. 91 (SB 979) Bergeson. Municipal water district director

Under existing law, directors of a municipal water district are required to be residents of the division from which they are elected.

This bill would make a presumption that [a]* vacancy exists on a district board if a director's place of residence is moved outside the boundaries of that director's division, and if the director does not reestablish, within 180 days of the move or January 1, 1986, a place of residence within the director's division.

Ch. 92 (AB 659) Lewis. California water district: bonds.

Under existing law, the Irvine Ranch Water District and the Santa Margarita Water District may issue and sell, in accordance with prescribed conditions and procedures applicable only to those districts, bonds for 2 or more improvement districts of the district as consolidated bonds of the district. These bonds may bear interest at a variable rate, subject to the maximum rates permitted by law.

This bill would permit the variable interest rate to exceed that maximum rate on any given day if the interest paid from the date of issuance to that day does not exceed the total interest which otherwise would have been permitted by the applicable maximum rate. The bill would authorize the district to enter into specified arrangements relating to the sale of the bonds and to provide for related matters.

The bill would take effect immediately as an urgency statute.

Ch. 93 (AB 1235) McClintock. Occupational licensing: penalties.

Existing law generally regulates driving schools and instructors, vehicle verifiers, automobile dismantlers, vehicle manufacturers, transporters, dealers, and salesmen, sellers of automobile parts, and providers of towing services, proscribes certain actions, and makes a violation of these provisions a misdemeanor.

This bill would provide that these provisions do not preclude the application of any other statutory provision which applies to an act that violates these provisions.

Ch. 94 (AB 1011) Robinson. Judicial arbitration.

Existing law provides, until January 1, 1986, for judicial arbitration of at-issue small civil claims. Pursuant to these provisions, absent a stipulation to the contrary, no discovery is permissible after an arbitration award except by leave of court upon a showing of good cause.

This bill would, subject to deletion or extension of the January 1, 1986, repeal date of the current law, make an exception to that prohibition against discovery by authorizing a party to make a demand to exchange expert witness lists, as specified.

Ch. 95 (AB 585) Kelley. Pest control advisers: registration.

(1) Existing law requires each agricultural pest control adviser to register in person with the county agricultural commissioner in the county of occupational choice and permits an adviser to register by mail in any additional county. The county board of supervisors is authorized to set an annual fee for registration in the county of occupational choice of up to $10 and an annual fee of up to $5 for registration by mail in an additional

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county. Under existing law, no charge may be assessed for registration in person in an additional county.

This bill would, instead, require an adviser who makes any recommendation for agricultural use to register in person with the commissioner in the county listed in the adviser's address on the state license, or, if the adviser's address is not within this state, then registration would be in the county of occupational choice.

This bill would also authorize the commissioner in an additional county to require the adviser to register in person in that county, would require that the maximum annual fee of $5 be paid for any registration in an additional county, and would make other conforming changes

(2) Under existing law, it is a misdemeanor for any person to act or offer to act as an agricultural pest control adviser in any county without first registering with the commissioner of that county.

This bill would revise this provision to specify that it is unlawful for any person to act or offer to act as an agricultural pest control adviser in any county wherein he or she makes any recommendation for agricultural use without first registering with the commissioner of that county

Ch. 96 (AB 470) Harris Courts family law

Existing law limits the total fee for filing a first paper, with specified exceptions, in a civil action on behalf of a defendant, intervenor, respondent, or adverse party

This bill would add to the list of documents which do not constitute a "paper" for such purposes a stipulation regarding the date of termination of the marital status when the court has retained jurisdiction over that date and a document relating to a stipulated postjudgment modification of child support.

The bill would also make a technical change in a provision relating to decrees of dissolution

Ch. 97 (AB 458) Cortese Permanent road divisions.

(1) Existing law defines the term "district" for purposes of the District Reorganization Act of 1965 and specifically provides that various entities are excluded from the definition

This bill would exclude permanent road divisions from the definition for district under the act

(2) Existing law requires a board of supervisors, upon receiving a petition for the formation of a permanent road division for the construction, improvement, or maintenance of a highway, to hold a hearing and, after changing boundaries as it finds proper, hold an election when a tax is requested for a division. Under Article XIII A of the California Constitution, a two-thirds vote of the electors is required prior to imposition of a special tax by a city, county, or special district.

The bill would revise the provisions relating to permanent road divisions to require a board of supervisors to levy a special tax for a division if two-thirds of the votes at the election are for the tax.

The bill would authorize the board, in lieu of or in addition to any special tax, to fix and collect parcel charges for permanent road divisions in the same manner as for extended services in county service areas It would change the maximum rate of interest for bonds of permanent road divisions from 8% per annum to the maximum rate permitted by law The bill would also provide for reinstatement of permanent road divisions formed for maintenance that have ceased to exist.

Ch. 98 (AB 387) Hauser City councils: salaries

(1) Existing law authorizes a city council to enact an ordinance to provide for salaries for city council members within specified dollar limitations. Legislation enacted in 1984, and effective January 1, 1985, increased the upper limit of these specified amounts.

Under existing law, a change in compensation may not be made applicable to a council member during his or her term of office, except that the compensation of all members of a council having staggered terms may be adjusted whenever one or more of the members begins a new term of office

This bill would permit a city council, to which one or more members were elected to a term commencing on or after January 1, 1984, to increase the salaries of all members

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in accordance with the salary authorizations which became effective January 1, 1985, by an ordinance which becomes effective on or prior to December 31, 1986. This provision would be repealed on January 1, 1987.

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

Ch 99 (AB 232) Costa. Kings River Conservation District: revenue bonds

Under existing law, revenue bonds issued pursuant to the Revenue Bond Law of 1941 are required to be offered for bid as specified

This bill would permit the Kings River Conservation District to sell up to $450,000,000 principal amount of the bonds authorized to be issued for the Dinkey Creek Hydroelectric Project at a specified election pursuant to the Revenue Bond Law of 1941 at private sale or at public sale, whichever the board of directors of the district determines. The bill would require the board, prior to approving the sale of the bonds, to retain a nationally recognized investment firm to make specified findings of fact.

The bill would take effect immediately as an urgency statute.

Ch. 100 (SB 641) Dills Evidence

Existing law provides that, unless otherwise provided by statute, no evidence other than the original of a writing is admissible to prove the content of a writing This is known as the best evidence rule. One exception is that a duplicate of a writing is not made inadmissible by the rule if the proponent has given written notice and has attached a duplicate to the notice, or, in certain limited circumstances, has described the duplicate in the notice.

This bill would replace the above-specified exception with a provision that a duplicate is admissible to the same extent as an original unless a genuine question is raised as to the authenticity of the original or unless it would be unfair to admit the duplicate instead of the original

Ch 101 (SB 401) Lockyer. Juvenile court law.

Existing law authorizes the juvenile court to order the probation officer to obtain the services of such psychiatrists, psychologists, or other clinical experts as may be required to determine the appropriate treatment of a minor alleged to be eligible to be deemed a ward of the court and as may be required in the conduct or implementation of the treatment. Payment for the treatment is a charge against the county.

This bill would specify additional classes of clinical experts, the services of whom the court may order the probation officer to obtain.

Ch 102 (SB 389) Vuich. Mortgages and deeds of trust: notice of sale.

(1) Under existing law, before a sale can be made under a power of sale in a deed of trust or mortgage, notice of the sale is required to be published in a newspaper of general circulation published in the city where any part of the property is located, or if located outside a city, then in a judicial district where any part of the property is located If no newspaper of general circulation is published in the city or judicial district, as the case may be, then publication of the notice is required in a newspaper of general circulation published in a county where any part of the property is located.

This bill would require publication of the notice in a newspaper of general circulation published in the contiguous county of highest population, as specified, if no newspaper of general circulation is published in a county where the property is located.

(2) Under existing law, a secured party is required to publish notice of the time and place of a public sale of collateral under the Commercial Code. Publication is required to be in a newspaper of general circulation in the county in which the sale is to be held.

This bill would permit publication of the notice in a newspaper of general circulation published in the contiguous county of highest population, as specified, if no newspaper of general circulation is published in the county where the sale will be held.

(3) This bill would go into immediate effect as an urgency statute.

Ch 103 (SB 221) Boatwright. Public records· victim identity.

Under existing law, certain information is required to be disclosed under the California Public Records Act concerning reports of crimes alleged or committed, but there is an exemption from this requirement for the address of the victim of specified sex crimes.

This bill would permit the name of the victim of those crimes, and the fact that he

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or she was the victim of one of those crimes if another crime was involved, 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.

Ch. 104 (SB 19) Torres. Hazardous Substance Account: compensation.

(1) Existing law authorizes the State Department of Health Services to enter into contracts to take immediate corrective action necessary to remedy or prevent an emergency resulting from a fire or an explosion of, or human exposure to, hazardous substances.

This bill would authorize the department, if the corrective action includes the relocation of individuals, to contract with the individuals for moving expenses of up to $1,000

(2) Under existing law, up to $2,000,000 of the funds within the Hazardous Substance Account ("California Superfund") may be appropriated by the Legislature for the payment, under specified circumstances, by the State Board of Control of any claim for compensation for medical expenses and lost wages and business income which the claimant establishes, by the weight of evidence, are proximately caused by the release of hazardous substances. Any person may apply to the board for this compensation within 3 years from the date of discovery of the loss or by January 1, 1982, whichever is later, and only if the source of the release or the liable party cannot be identified, there is no liable party, or the judgment against the liable party could not be satisfied Existing law prohibits reimbursement for a loss so compensated and prohibits the admission of an award of compensation as evidence The board is also required to adopt rules and regulations concerning the proceedings for approving a claim.

This bill would also allow a person to apply for compensation for medical expenses if the person has presented a written demand for compensation to the party which the person reasonably believes is liable for the incurred medical expenses which are compensable under these provisions, the person has presented the board with a copy of the demand, and, within 60 days after presenting the demand, the party has either rejected, in whole or in part, the demand or has not responded.

The bill would provide that a loss is compensable if the board makes specified determinations concerning whether the claimant's losses resulted from exposure to a release of a hazardous substance. The bill would specify that procedures used in administrative adjudication apply to the board's proceedings, except that certain provisions concerning opinion testimony by witnesses would also apply to these proceedings. The bill would provide that the decisions, findings of fact, and specified actions made pursuant to a proceeding for a claim are not admissible in a civil or criminal proceeding to determine liability for damage resulting from a release of a hazardous substance, except as specified

The bill would require a compensated claimant who also recovers compensation from a party for the same loss to reimburse the Hazardous Substance Account for the amount which the claimant received from the account and would authorize the Attorney General to bring an action to recover this amount

The bill would require the board to adopt rules and regulations concerning the claims proceedings by July 1, 1985, in consultation with the department

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

Ch. 105 (AB 2548) Statham Public utility district. Trinity County

Existing law provides for the formation and operation of public utility districts pursuant to the Public Utility District Act. Existing law requires that, where a district lies entirely within one county, the number of directors is 3, elected at large. Existing law requires separate elections for the formation of the district and, within 90 days after formation, the election of directors.

This bill would, for any district formed within Trinity County after the effective date of the bill, provide for 5 directors elected from territorial units as nearly equal in population as practicable, after approval of the local agency formation commission. The bill would also permit consolidation of the elections for formation of the district and election of directors. The bill would repeal these provisions on January 1, 1987, unless a district is formed by that date in the county.

The bill would make legislative findings and declarations that a special act is necessary

The bill would take effect immediately as an urgency statute.

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Ch. 106 (AB 1807) 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 1985 and would not make any substantive change in the law.

Ch 107 (AB 1304) Vasconcellos. Fiscal affairs: state government· Budget Act augmentation: contingencies or emergencies. [1]

(1) Under existing law, Chapter 26 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code shall become operative, except for a specified section, on July 1, 1985. That chapter imposes various requirements on state and local agencies with regard to special education programs. One of the provisions of the chapter requires each affected state agency to develop regulations by July 1, 1985, implementing the chapter and to obtain approval of the regulations from the Superintendent of Public Instruction prior to filing them with the Office of Administrative Law

This bill would change the deadline of the affected state agencies for the development of these regulations to July 1, 1986.

(2) The bill would also change the operative date of Chapter 26 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code to July 1, 1986, and would retain the exception for a specified section in existing law

(3) Existing law requires that the Department of Finance give written notice of approval of deficiency authorizations to both legislative appropriations committees and the Joint Legislative Budget Committee. These reporting requirements are set forth and elaborated upon both in Section 13332.04 of the Government Code and in Section 27.00 of the Budget Act of 1984. The reporting requirements set forth in the Budget Act require 30 days' prior notification to the Joint Legislative Budget Committee and the legislative appropriations committees by the Department of Finance. The provisions of Section 13332.04 of the Government Code, however, require notification of deficiency authorizations to be filed prior to approval whenever possible and in no case more than 10 days after approval

This bill would amend the Government Code provision to incorporate the provisions of Section 27.00 of the Budget Act of 1984, including the 30-day notice requirement. This bill would also require submission by the Department of Finance to the legislative appropriation committees of both houses, and to the Joint Legislative Budget Committee, of planning data for each department for the 1985–86 and 1986–87 fiscal years and quarterly reports on cumulative deficiency requirements, as specified. The bill would also require the Department of Finance to provide, as specified, copies of all requests from agencies to spend at rates which would result in a deficiency appropriation.

(4) Existing law provides for a 2-year limitation period during which disbursements in liquidation of encumbrances may be made following the last day of availability of an appropriation for encumbrance. Existing law also provides for the reversion of unneeded or undisbursed funds to the fund from which the appropriation was made upon order of the Director of Finance, in the case of unneeded funds, or upon expiration of the 2-year limitation period, in the case of undisbursed funds.

This bill would change the 2-year limitation period to a 4-year period in a case where the fund from which an appropriation is disbursed is made up of federal funds

(5) The bill would repeal Section 27.00 of the Budget Act of 1984.

(6) The Budget Act of 1984 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 The Budget Act of 1984 also appropriated funds from the General Fund to the State Department of Social Services for purposes of the State Supplementary Payment Program for aged, blind, and disabled persons

This bill would appropriate $452,869,000, as allocated, in augmentation of those appropriations, with a specified amount to be allocated to special districts in the form of loans

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to be repaid, as specified, in future years. The bill would also express the intent of the Legislature that these loans be provided on a one-time-only basis.

(7) 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

(8) This bill would also appropriate from the Federal Revenue Sharing Fund any balance after June 30, 1985, including interest earnings, in augmentation of that program during the 1985–86 fiscal year. Any augmentation funds expended must be expended prior to the expenditure of funds appropriated to that same program in the Budget Act of 1985 and in the month following any such credit to the Federal Revenue Sharing Fund.

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

Ch. 108 (SB 1079) Alquist. Personal income taxes: bank and corporation taxes: energy credits.

Existing provisions of the 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 various specified percentages of the acquisition and installation cost of each of the following: (1) solar energy systems; and (2) energy conservation measures.

This bill would revise the applicable percentages for installations of solar energy systems and energy conservation measures which are installed on or after various specified dates, would reduce the maximum dollar amount of the credits, as specified, for installations on or after various dates, would preclude the carryover of excess credits to the 1985 taxable or income year, would revise the eligibility for credits of certain solar energy systems for which significant construction or expenditures have been undertaken by a specified date, and would limit the amount of the excess credits which could be applied to certain taxable or income years

The Budget Act of 1985, as enacted by Senate Bill 150 of the Regular Session of 1985–86, would schedule $125,000,000 for purposes of credits and refunds to taxpayers for alternative energy tax credits and would provide for the reversion of funds not required to the General Fund, as specified.

This bill would delete these provisions.

The bill would take effect immediately as a tax levy.

Ch. 109 (SB 4) Robbins. Motion Picture Council.

Chapter 1639 of the Statutes of 1984, effective January 1, 1985, revised the provisions of law relating to the Motion Picture Council. It enacted the Motion Picture, Television, and Commercial Industries Act of 1984 which, among other things, repealed existing statutes prescribing the membership and the duties of the council. It added new provisions that continued, in part, the duties of the council, but also added new responsibilities.

This bill would make a technical change in the law by reenacting provisions relating to the membership of the council which were repealed by Chapter 1639 of the Statutes of 1984.

This bill would also make substantive changes by increasing the membership of the council from 17 to 21 members, and increasing the appointees of the Governor from 11 to 13, and the appointees of the Senate Rules Committee and the Speaker of the Assembly from 3 to 4 each. It would provide that of the new legislative appointees one may be a Senator and one may be an Assembly Member, respectively, and would delete the existing requirement that legislative appointees who are required to be Members of the Senate and the Assembly be such members at the time of appointment. It would delete provisions setting staggered, 4-year terms for the gubernatorial appointees and would provide that all members of the council, except legislators appointed either by the Senate Rules Committee or by the Speaker of the Assembly who serve for terms of 4 years, as specified, shall serve at the pleasure of the appointing authority for a term of 2 years from the effective date of the appointment.

In addition, the bill would provide that of the legislators appointed to the council, no more than 3 legislators from the same political party could be appointed to or serve on

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the council at the same time

This bill would authorize a legislator to serve in the capacity of a voting member of the council, and to meet with, and participate in the activities of, the council to the extent that such participation is not incompatible with his or her respective position as a Member of the Legislature, but only while concurrently serving as a Member of the Legislature. In addition, whenever a legislator vacates an office, the appointing power shall appoint another person for a new full term.

This bill would also require 4 of the Governor's appointees to be members or employees of the motion picture industry, as specified. It would require one appointee to be a member of the Los Angeles City Council or of the Los Angeles County Board of Supervisors, and another appointee to be a member of a city council other than Los Angeles or of a county board of supervisors other than Los Angeles County

Ch 110 (AB 1854) Baker Cities incorporation date

(1) Under existing law, which prescribes proceedings for the incorporation of a city, the effective date of incorporation is a date fixed either by the local agency formation commission or the county board of supervisors, or if no date was so fixed, the date of recordation of the certificate of completion of proceedings

This bill would provide, in the case of any city incorporation approved by the voters prior to July 1, 1985, to become effective more than 6 months following the election, that the effective date of incorporation of the city for all purposes shall be July 1, 1985. The bill would require an affected city to transfer to the county an amount determined by the county auditor to be equal to the county's revenue loss from specified sources as reimbursement of revenue losses to the county resulting from changing the effective date of incorporation of the city The change in the date of incorporation, the requirement for the payment, and the duties which would be imposed upon the county auditor would impose state-mandated local programs

The bill's provisions would remain in effect until December 31, 1985, and would be repealed on that date

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 111 (SB 150) Alquist Budget [2]

This bill would make appropriations for support of state government for the 1985–86 fiscal year

The bill would take effect immediately as an urgency statute

Ch. 112 (AB 13) Roos. Property taxation rates

(1) Existing law requires the county auditor, for the purpose of making 1985–86 fiscal year property tax allocations, to do each of the following correct the allocations for all local jurisdictions for each fiscal year from 1978–79 to 1982–83, inclusive, in which incorrect allocations were made as the result of the inclusion of property taxes levied for voter-approved indebtedness in the calculation of property tax revenues subject to allocation; and add the actual annual tax increment that was allocated in the 1983–84 and 1984–85 fiscal years to the corrected 1982–83 base-year amount.

This bill would delete these required computations and would require instead that apportionments for the 1985–86 fiscal year and fiscal years thereafter be based upon the base-year amount used in allocating property tax revenues for the 1982–83 fiscal year

(2) Under existing law, for the 1983–84 and 1984–85 fiscal years, no local agency may impose a property tax rate for other than bonded indebtedness, which is in excess of the rate imposed in the 1982–83, or 1983–84, fiscal year, whichever rate is higher

Under existing law, in effect until January 1, 1989, taxes levied to meet obligations to make payments to the state or the United States under voter-approved contracts for the sale, delivery, or use of water, or for the construction, maintenance, or operation of water

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facilities, are exempt from the foregoing provisions

This bill would extend the existing limitation on the imposition of an excess property tax rate to jurisdictions for the fiscal year 1985–86 and each fiscal year thereafter, with certain exceptions, would limit the imposition of any property tax rate not levied in the 1982–83 or 1983–84 fiscal year, with certain exceptions, and would make permanent the exemption of property taxes levied to make payments on certain contract obligations related to water.

(3) This bill would provide that the limitations in paragraph (2) above are not applicable to the levy of an ad valorem property tax rate to make payments to support a specified retirement system of a charter city which meets certain criteria

(4) The bill would also state legislative intent with regard to certain provisions

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

Ch. 113 (SB 807) Watson. Hazardous waste Hazardous waste control.

(1) Existing law, operative July 1, 1985, requires the State Director of Health Services to establish a schedule of hazardous waste disposal fees upon persons who dispose of hazardous waste or submit hazardous waste for disposal and to deposit these fees in the Hazardous Waste Control Account These fees are required to be paid directly to the State Board of Equalization and are required to be set to produce revenues sufficient to cover the costs incurred in administering specified hazardous waste regulation provisions.

This bill would require that, if the waste disposed of was produced outside of the state, the operator of the disposal facility is required to collect and transmit these fees to the board The bill would also require the fee schedule to include a base rate, which the State Board of Equalization would determine according to a specified formula upon the enactment of the Budget Act of 1985, using information which the department is required to supply before July 1, 1985, as specified

(2) Existing law sets the amount of the fees, for that hazardous waste disposed of on land or applied to land, as specified These statutorily set fees became effective July 1, 1984, and will remain in effect until June 30, 1985 Under existing law, these fees are to be paid until July 1, 1985, by operators of hazardous waste facilities and, after that date, by the persons disposing of that waste Existing law limits the imposition of these fees to the first 3,500 tons of hazardous waste disposed of, or submitted for disposal, per month, for specified categories of hazardous waste, until July 1, 1985 The department is authorized, until April 1, 1985, to increase these fees upon making a specified determination

This bill would provide that, from July 1, 1985, to June 30, 1986, the rates would be determined using a base rate, as adjusted by the State Board of Equalization. The bill would continue in effect the tonnage limitation until June 30, 1986. The bill would provide for an additional category of shredder waste, as specified, for the purposes of determining these fees.

The bill would authorize the department to also decrease the fees if the fees are excessive, pursuant to a specified determination, would extend the date concerning this fee adjustment to June 30, 1986, and would require the department to contract with a firm for a study concerning hazardous waste disposal fees and taxes, to be submitted to the Legislature by January 1, 1986. The bill would appropriate $50,000 from the Hazardous Waste Control Account to the department for the purpose of carrying out this study.

(3) The bill would declare that the changes made by this bill are not inconsistent with the Governor's Reorganization Plan No. 1 of the 1985–86 Regular Session of the Legislature The bill would direct the Legislative Counsel to make those changes in the bill which is prepared in order to statutorily reflect the reorganization plan

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by altering the formula by which the fees upon hazardous waste disposal are calculated, including that waste disposed of by cities, counties, and districts

This bill would provide that no reimbursement shall be made from the State Mandates

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Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

Ch. 114 (AB 691) Cortese. County service areas. planning and zoning: general plans allocation of property taxes.

(1) Existing laws relating to the powers of county service areas and general plan amendments contain obsolete or erroneous cross-references to other provisions of law.

This bill would correct those cross-references.

(2) Existing law provides that formal rules of evidence or procedure applicable in judicial actions and proceedings under the planning and land use law do not apply in any proceeding except to the extent that a city or county otherwise provides by charter, ordinance, resolution, or rule of procedure.

This bill would expand that exception to include ordinances, resolutions, or rules of procedure adopted by any public agency.

(3) The existing Benefit Assessment Act of 1982 authorizes any city, county, city and county, special district, or any other municipal corporation or district to levy an assessment, under specified circumstances, to finance drainage, flood control, and street lighting services and specifies the procedure to be followed by the local agency in order to levy the benefit assessment, including, among other things, a requirement that the proposition be submitted to the eligible voters within the jurisdiction of the local agency and that it take effect upon the approval of a majority of those voters voting on the issue.

This bill would require an election by the registered voters residing within the area under certain circumstances and by the landowners under other circumstances. If there are less than 12 registered voters the levy would take effect under certain circumstances.

(4) Existing law generally requires each county and city to adopt a comprehensive long-term general plan for the physical development of the county or city. Existing law requires the inclusion of various elements in the general plan including a land use element.

This bill would require that the land use element designate those parcels of real property zoned for timberland production in a category of land use that provides for timber production. This requirement would impose a state-mandated local program.

(5) Existing law requires the planning agency of a city or county to refer a proposal to adopt or amend a general plan to, among other entities, the State Clearinghouse.

This bill would delete that requirement.

(6) The existing Subdivision Map Act defines "street" for purposes of the act.

This bill would repeal that definition.

(7) The existing Subdivision Map Act requires the city clerk to transmit a final map, after its approval by the city, to the clerk of the board of supervisors for ultimate transmittal to the county recorder. Existing law requires the clerk of the board of supervisors to certify that certain certificates have been filed and deposits have been made.

This bill would, instead, require the city clerk to transmit the map directly to the county recorder with certain exceptions The bill would also require the city clerk and the clerk of the board of supervisors to perform those acts within a specified period of time. This latter requirement would impose a state-mandated local program

(8) The existing Subdivision Map Act requires the legislative body of a city or county to accept, accept subject to improvement, or reject any offer of dedication at the time the legislative body approves a final map. Existing law specifies that no public or private road shall become a county highway until the board of supervisors accepts the road, by resolution, into the county road system

This bill would specify that the acceptance or acceptance subject to improvement of an offer of dedication of a road under the Subdivision Map Act by the board of supervisors does not constitute the acceptance of the road into the county road system in the absence of the adoption by the board of supervisors of a resolution accepting the road into the county road system.

(9) The existing Subdivision Map Act requires a subdivider to file a certificate with the clerk of the board of supervisors that there are no liens against the subdivision.

This bill would instead require that certificate to be filed with the county recorder.

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(10) The existing Subdivision Map Act requires a subdivider to file a certificate with the clerk of the board of supervisors containing an estimate of the amount of taxes and assessments that are a lien but not yet payable

This bill would reorganize and recast that provision

(11) 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 Mammoth Lakes shall be effective for the purpose of the allocation of county property tax revenues to the city for the 1985–86 fiscal year if the city filed the required map or plat by July 1, 1985

(12) Existing law requires competitive bidding to be followed by the San Diego County Flood Control District, in accordance with prescribed procedures, on any project or work of improvement of the district which would exceed in estimated cost the sum of $5,000, or materials, equipment, and supplies which would exceed $3,500

This bill would, instead, require competitive bidding for construction and service contracts of the district estimated to cost over $10,000 in accordance with the Uniform Public Construction Cost Accounting Act, and would specify related matters

(13) Existing law does not transfer title, without compensation, to the real property owned by the San Diego County Flood Control District that is lying within the boundaries of an incorporated city to that city

This bill would do so

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 115 (AB 2557) Papan Special education funding

(1) Existing law prescribes the manner in which allowances for the transportation of pupils are to be allocated to eligible school districts and county superintendents of schools Existing law further requires that, for the 1985–86 fiscal year and each subsequent fiscal year, transportation allowances made for individuals with exceptional needs may include only home-to-school transportation, and excludes any other transportation for these pupils.

This bill would delete that exclusion, such that transportation allowances for individuals for exceptional needs would encompass those transportation needs specified in their individualized education programs

(2) Existing law specifies that in the 1984–85 fiscal year, the Superintendent of Public Instruction shall increase the base revenue limit of each school district that certifies that it offers a longer instructional day or year, as specified.

This bill would provide that in the 1985–86 fiscal year, the superintendent would increase the base revenue limit, by $70 per unit of average daily attendance for the current year second principal apportionment, for each school district that certifies that it offers 180 days or more of instruction per school year of special day classes for individuals with exceptional needs

This bill would also provide for an increased base revenue limit for school districts that certify an extended instructional day for these special day classes, as specified

(3) Under existing law, local educational agencies, including special education services regions, that operate programs for handicapped infants are deemed eligible for an increased number of instructional personnel service units, as specified.

This bill would delete this provision, and provide instead that these agencies, including special education local plan areas, would be eligible for funding under existing provisions of law governing the funding of special education programs

(4) Under existing law, the State Department of Education, as the administering state educational agency for this state, receives federal appropriations for expenditure pursuant to the federal Education of the Handicapped Act.

This bill would direct that not less than $2,324,000 of the federal funding received for

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this purpose in any fiscal year be expended for programs for handicapped infants, until the time the Legislature determines that the funds are no longer needed for that purpose.

(5) Existing law provides that, in any fiscal year, a special education local plan area is eligible for state funding of instructional personnel service units operated and fundable in the prior fiscal year, subject to specified prerequisites

This bill would establish a separate formula for eligibility for state funding of instructional personnel service units for services to children younger than 3 years of age, employing lower staff-to-pupil ratios

Existing law also permits the Superintendent of Public Instruction to waive any of the criteria for funding for instructional personnel service units for the 1984–85 fiscal year where compliance with the criteria would require the termination of a contract employee in violation of law, or where the local plan area's duplicated pupil count exceeds a specified threshold

This bill would delete that waiver provision as to instructional personnel service units for services to children 3 years of age or older.

Both of these provisions of this bill would become operative July 1, 1985.

(5 5) Commencing with the 1985–86 fiscal year, this bill would require that any instructional personnel services unit that was used in the prior fiscal year to provide services to children younger than 3 years of age continue to be used for that purpose. If a special education local plan area becomes ineligible for all or any portion of those instructional personnel units operated and fundable in the prior fiscal year, this bill would require the Superintendent of Public Instruction to allocate those units to another local plan area for the purpose of providing services to children younger than 3 years of age

This bill would also condition the receipt of special education funds, as specified, upon the approval by the Superintendent of Public Instruction of a local plan for early intervention services

(6) For the 1985–86 fiscal year, this bill would require instructional personnel service units that were used in the 1984–85 fiscal year to provide services to children younger than 3 years of age to be excluded from certain specified computations, and to be included in certain other computations

(7) Existing law directs the Superintendent of Public Instruction to issue standards and criteria for the computation of special education costs, as specified

This bill would, instead, direct the superintendent to disseminate cost accounting procedures to these agencies for the 1985–86 fiscal year. This bill would require the local education agencies to employ the procedures, and forms prescribed by the superintendent, for their fiscal reports for the 1985–86 fiscal year, thereby imposing a state-mandated local program

(8) Existing law limits the number of units of instructional service funded for a local special education plan for special classes and centers to an average of one teacher and one aide per special class or center actually operated.

This bill would increase the funding ratio for teacher aides to 1.05 aide per special class or center actually operated

(9) Under existing law, the Legislature has stated its intent that local education agencies give first priority to expenditures for specialized books, materials, and equipment that are necessary and appropriate for the individualized education programs of pupils with low incidence disabilities.

This bill would establish a procedure for funding specialized books, materials, and equipment required under the individualized education programs for these pupils, and express the legislative intent that special education local plan areas share unused specialized books, materials, and equipment with neighboring local plan areas.

(10) Existing law directs that the California Master Plan for Special Education be operated pursuant to specified objectives concerning the provision of educational opportunities to individuals with exceptional needs.

This bill would express the legislative intent that at least $60,000,000 be appropriated in the 1986–87 fiscal year, and at least $120,000,000 be appropriated in the 1987–88 fiscal year, in addition to other appropriations, for expenditure as specified, so as to assure the fulfillment of those objectives

(11) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

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

Ch 116 (SB 125) Alquist Personal income taxes· bank and corporation taxes energy credits

Existing provisions of the 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 various specified percentages of the acquisition and installation cost of each of the following. (1) solar energy systems, and (2) energy conservation measures

This bill would revise the applicable percentages for installations of solar energy systems and energy conservation measures which are installed on or after various specified dates, would reduce the maximum dollar amount of the credits, as specified, for installations on or after various dates, would preclude the carryover of excess credits to the 1985 taxable or income year, would revise the eligibility for credits of certain solar energy systems for which significant construction or expenditures have been undertaken by a specified date, and would limit the amount of the excess credits which could be applied to certain taxable or income years.

The Budget Act of 1985, as enacted by Senate Bill 150 of the Regular Session of 1985–86, would schedule $125,000,000 for purposes of credits and refunds to taxpayers for alternative energy tax credits and would provide for the reversion of funds not required to the General Fund, as specified.

This bill would delete these provisions

The bill would take effect immediately as a tax levy

Ch 117 (SB 1347) B Greene Surface impoundment restricted hazardous wastes

Existing law prohibits any person from discharging restricted hazardous wastes into a surface impoundment after July 1, 1985, and from discharging restricted hazardous wastes containing cyanide wastes or polychlorinated biphenyls (PCBs) in that manner after January 1, 1985, unless the wastes are either mining wastes exempted by a California regional water quality control board or the wastes are discharged into a surface impoundment located in a region exempted by the State Department of Health Services because a recycling process or treatment for that waste does not exist in the region, pursuant to a specified procedure

This bill would change the date after which a person may not discharge restricted hazardous wastes into a surface impoundment from July 1, 1985, to January 1, 1986, and would specify the concentration levels for the cyanide wastes and PCBs

The bill would repeal the regional exemption procedure and would instead authorize the department to grant a person a variance from the requirements, except for the discharge of restricted hazardous wastes containing cyanide wastes or PCBs at specified concentration levels, pursuant to a specified variance procedure, except as specified, for a particular restricted hazardous waste stream or a category of restricted hazardous wastes The bill would authorize a variance to be granted if the department determines, pursuant to specified regulations, (a) that the applicant is in compliance with provisions regulating surface impoundments, (b) that sufficient recycling or treatment capacity for a particular restricted hazardous waste is not available in this state, (c) that a demonstration is made that the surface impoundment will be equipped with double liners, a leachate collection system, and groundwater monitoring by January 1, 1986, before the permit is to be issued, and (d) that a demonstration is made that either the applicant has a commitment to construct, and has applied for all required permits to construct or

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otherwise provide alternative treatment or recycling facilities, or the applicant is otherwise making specified operations changes if the variance is for an onsite facility. The bill would require applications for a variance to be filed by September 30, 1985. The applicant would also be required to either submit a hydrogeological assessment report or a specified exemption application to a California regional water quality control board by January 1, 1986. The regional board would be required to approve or disapprove the report or exemption application within 9 months after receipt.

The bill would require the department to submit a copy of the variance to the appropriate California regional water quality control board, to specified members of the Legislature, to the Senate Committee on Toxics and Public Safety Management, and to the Assembly Committee on Environmental Safety and Toxic Materials, within 30 days after granting a variance. The bill would require the department to impose certain conditions in the variance limiting the effect of the variance to not more than one year, except as specified, and specifying a date by which recycling or treatment facilities are required to be constructed or the discharge is required to cease. The bill would also specify procedures for the extension, review, and revocation of the variance

The bill would repeal this provision on January 1, 1989, and, on that date, would enact a section with similar provisions, except that the bill would prohibit all discharges of restricted hazardous waste into a surface impoundment and would delete the variance procedure specified above.

The bill would make a statement of legislative intent concerning the effect of Chapter 1543 of the Statutes of 1984 and the changes made by this bill with the Governor's Reorganization Plan No. 1 of the 1985–86 Regular Session of the Legislature

The bill would take effect immediately as an urgency statute

Ch. 118 (AB 444) Rogers. Hazardous substances Department of Fish and Game

Existing law imposes a tax upon the disposal of hazardous waste, and provides for the deposit of this money in the Hazardous Substance Account ("California Superfund") The money in this account may generally be expended by the State Director of Health Services, upon appropriation by the Legislature, to pay for the various costs of removal and remedial actions, related to the release of hazardous substances incurred by the state

This bill would appropriate $354,441 58 from the reserve account for emergencies in the Hazardous Substance Account to the Department of Fish and Game in augmentation of Item 3600-001-200 of the Budget Act of 1984, thereby making an appropriation

The bill would require the State Department of Health Services to pursue recovery, from the responsible party, of the costs incurred by the state, including any legal fees, which were spent in response to the hazardous substance release which occurred in the City of Santa Barbara on May 18, 1984, and to deposit these funds in the Hazardous Substance Account If the Department of Fish and Game recovers any funds from the responsible party, the bill would require the Department of Fish and Game to transfer these funds to the State Department of Health Services, for deposit in the Hazardous Substance Account

The bill would take effect immediately as an urgency measure.

Ch 119 (AB 1303) Killea Aid to Families with Dependent Children· employment programs

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which needy families are provided with cash assistance

Existing law provides for various employment programs for AFDC recipients, including a program in San Diego County, which shall terminate on July 1, 1985. Under existing law, the County of San Diego is responsible for the nonfederal costs of all work-related expenses.

This bill would provide for the continued operation of the program in San Diego County until July 1, 1987, except that the program would remain operative only until July 1, 1986, if federal financial participation for AFDC recipients participating in the program cannot be obtained It would also delete the responsibility of San Diego County for the nonfederal costs of all work-related expenses.

Existing law permits nonparticipation in the program provided for in San Diego County for specified reasons.

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This bill would set forth criteria defining good cause for nonparticipation in, or noncooperation with the program. Good cause determination and conciliation procedures would also be required to be established.

Existing law contains specific criteria which must be met by a work experience assignment provided for under the San Diego County program.

The bill would also provide that program participants shall be given orientation, as specified, at the commencement of program participation.

Existing law provides that, from funds appropriated for this purpose, funds shall be allocated to meet the child care needs of San Diego County program participants

This bill would specifically provide that no program registrant shall be required to participate until appropriate child care arrangements are made. Various requirements would be imposed upon the county in order to ensure that child care needs are met.

The bill would also require the annual submission of a report to the Legislature on the San Diego County program, to be designed and submitted by the State Department of Social Services, in consultation with the Employment Development Department and San Diego County This bill would require the report to be submitted to the Joint Legislative Budget Committee for approval by the office of the Legislative Analyst

The bill would provide for the appropriation of the sums of $175,000 from the General Fund and $350,000 from the Federal Trust Fund to the State Department of Social Services, in augmentation of specified items of the Budget Act of 1985, in order to implement the bill.

This bill would take effect immediately as an urgency statute

Ch 120 (AB 378) Leonard Juvenile courts

Under existing law, the superior court has jurisdiction of cases involving minors, and, when exercising that jurisdiction, is known as the juvenile court. Among other things, the juvenile court has jurisdiction over cases involving the truancy of a minor The juvenile court may direct those orders to a parent or guardian as the court may deem necessary. However, the juvenile court does not have jurisdiction over criminal charges against an adult. Instead, a municipal or justice court has jurisdiction over a misdemeanor or infraction charges, including the infraction of failing to comply with provisions relating to school attendance

This bill would provide that whenever a case is before a juvenile court alleging that a minor is habitually truant, the juvenile court judge may be assigned to sit as a municipal court judge to hear any complaint alleging that the parent, guardian, or other person having control or charge of the minor has failed to comply with provisions relating to school attendance, as specified

This bill would incorporate additional amendments to Section 661 of the Welfare and Institutions Code proposed by SB 1252 to become operative if both bills are enacted and this bill is enacted last

Ch 121 (AB 411) Allen. Fishing waters: use of explosives· prohibition

Under existing law, it is unlawful to use explosives in waters inhabited by fish except under terms of a permit from the Fish and Game Commission or in case of an emergency, as specified

This bill would provide that the permit be issued by the Department of Fish and Game consistent with terms and conditions set by the commission. The bill would also authorize any person to appeal the department's decision to grant or deny a permit to the commission.

Ch. 122 (AB 804) Sher. Crimes: commencing of action

Chapter 1270 of the Statutes of 1984 revised provisions setting forth the times within which the prosecution of each crime or category of crimes must be commenced.

This bill would specify that it is, and was, the intent of the Legislature in its enactment of Chapter 1270 that the chapter shall not bar the prosecution of an offense for which a maximum punishment of 8 years or more was prescribed as of January 1, 1985, and which could have been prosecuted under the law in effect immediately prior to the operative date of that chapter It would also express the legislative intent with regard to the meaning of the term "maximum punishment" as used in Chapter 1270.

This bill would also specify, as to those crimes with respect to which the limitation of

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time does not commence to run until discovery that the statute of limitation applies to a violation of any type of the Corporate Securities Law of 1968, rather than as provided under existing law, a violation of the Securities Law of 1968.

This bill would take effect immediately as an urgency statute.

Ch. 123 (AB 866) Grisham Manufactured housing.

Under existing law, the Department of Housing and Community Development is required to adopt regulations for the continuing education of licensed manufactured housing dealers and salespersons by July 1, 1985.

This bill would extend the deadline for adopting the above-described regulations until January 1, 1986, and would provide for reduced continuing education requirements for license renewal for a temporary period after the requirements take effect

The bill would take effect immediately as an urgency statute.

Ch. 124 (AB 1171) Costa Fish and game. prizes: permits.

(1) Under existing law, it is unlawful for a person to offer a prize for the taking of any game birds, mammals, fish, reptiles, or amphibia excepting for the taking of trout, striped bass, and black bass pursuant to a permit issued for a fee, as determined by the Department of Fish and Game

This bill would impose a state-mandated local program by making it unlawful to offer a prize for the taking of any game birds, mammals, fish, reptiles, or amphibia in an individual contest, tournament, or derby where the total value of the prizes or inducements exceeds $200, except for trout, striped bass, or black bass pursuant to a permit

The bill would also exempt from the permit requirement a contest, tournament, or derby for the taking of trout, striped bass, and black bass if the total of the prizes for each event does not exceed $200

The bill would make other conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 125 (AB 1394) Frazee. Fallbrook Public Utility District.

Under the Public Utility District Act, public utility districts may fix and collect a water standby or immediate availability charge not to exceed $10 per acre or $5 per parcel of less than one acre per year

This bill would, notwithstanding those provisions, authorize the Board of Directors of the Fallbrook Public Utility District authority to fix and collect an annual water standby or immediate availability charge not to exceed $30 per acre or any parcel of less than one acre

Ch. 126 (AB 253) Lancaster. Loans.

Existing provisions of the Personal Property Brokers Law and the Consumer Finance Lenders Law, relating to the computation and payment of loan charges, exempt from their provisions relating to the repayment of loans in installments [, loans]* made to a graduate student, as specified.

This bill would additionally exempt loans to a student made by an eligible lender under the Higher Education Act of 1965, as amended.

Existing provisions of the Personal Property Brokers Law and the Consumer Finance Lenders Law provide that no ~~license~~ [licensee]* shall enter into any contract for a loan that provides for a scheduled repayment of principal in excess of specified maximum terms. However, those provisions are inapplicable to open end loans

This bill would additionally make those provisions inapplicable to ~~loans to~~* student loans made by an eligible lender under the Higher Education Act of 1965, as amended

Ch 127 (AB 410) Allen. Fish and game: trapping license. revocations.

(1) Under existing law, the Fish and Game Commission may revoke the trapping license of a person for specified violations, and the Department of Fish and Game is authorized to deny a trapping license in the next license year following a conviction. A person may request a hearing before the commission for a denied license.

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This bill would repeal those provisions and, instead, prohibit any person, who is trapping fur-bearing mammals or selling them, as specified, and who is convicted of violating specified provisions, from taking any fur-bearing or nongame mammal for 3 years from the date of the next regularly scheduled meeting of the commission held at least 30 days after the conviction The bill would require the commission to revoke the trapping license of any person prohibited from taking those animals during the period of the prohibition. The bill would prohibit a person from obtaining, or attempting to obtain, a trapping license during a period of prohibition. The bill would permit any person whose license was revoked as described above to appeal to the commission for reissuance of the license and termination of the prohibition.

(2) Violations of the Fish and Game Code are, generally, a misdemeanor.

This bill, by creating new crimes, would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 128 (AB 1181) Frazee Real estate.

Existing law authorizes the Real Estate Commissioner to issue a cease and desist order whenever he or she determines that any person is violating, or failing to comply with, specified provisions regulating subdivided lands.

This bill would expand that authority by including any violation of any provision relating to subdivided lands or subdivision maps or any regulation adopted pursuant to those provisions and would include specified violations relating to advertising, promotional, and marketing programs.

Ch. 129 (AB 1341) Cortese Sanitation and sewerage systems.

Under the existing Community Facilities Law of 1911, an entity has power to impose fees and charges for connections to sanitation and sewerage facilities, plus interest on the unpaid balance not to exceed 6% per annum.

This bill would change the interest rate to not to exceed 12% per annum.

Ch 130 (AB 840) Hill Contests.

Existing law prohibits various specified acts, practices, or omissions by any person in the operation of any contest including failing to clearly and conspicuously disclose various information such as the maximum amount of money which a participant may be asked to pay to win each of the contest prizes offered and representing that any tie breaker puzzle may be entered upon the payment of money which qualifies the contestant for extra cash or prizes unless various disclosures are made indicating that the payments are optional and do not affect the contestant's opportunity to enter the tie breaker phase of the contest for free.

This bill would provide that the disclosure of the maximum amount of money which a participant may be asked to pay, shall also include the maximum cost of any postage and handling fees

This bill would also provide for the payment of reasonable postage and handling fees if a contestant chooses to play in the tie breaker puzzle for additional cash or prizes, the amount of which shall not exceed $1.50 plus the actual cost of postage and which must be disclosed at the time of the initial contest solicitation and each time thereafter that a payment of fees is required

Ch. 131 (AB 125) Kelley. Animal control enforcement vehicles amber warning lights.

Existing law specifies the types of motor vehicles which may use amber warning lights and the conditions under which the amber warning lights may be used.

This bill would authorize the use of amber warning lights on a publicly owned vehicle engaged in the enforcement of animal control laws when the vehicle is parked on a roadway or moving at a speed slower than the normal flow of traffic.

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Ch. 132 (AB 2503) Campbell. Certificated employees: temporary employees.

Existing law authorizes the governing board of a community college district to employ as an instructor in grade 13 or grade 14, for a complete school year but not less than a complete semester or quarter during a school year, any person holding appropriate certification documents, and to classify these persons as temporary employees, as prescribed.

This bill would prohibit service as a substitute on a day-to-day basis by persons employed under these provisions from being used for purposes of calculating that person's eligibility for contract or regular status.

Ch. 133 (SB 61) Ellis. Local agency formation commissions: spheres of influence.

(1) 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.

Existing law specifies January 1, 1985, as the time by which local agency formation commissions must adopt spheres of influence for local governmental agencies, and authorizes a commission to review, approve, conditionally approve, or disapprove, only until January 1, 1985, a proposal which includes territory which might be contained within the sphere of influence of any local governmental agency which provides facilities or services related to development, without having adopted the sphere of influence for that agency.

This bill would permit a local agency formation commission to conduct proceedings on such a proposal or any proposal for annexation or district formation after January 1, 1985, if an application therefor was submitted to the local agency formation commission on or before December 31, 1984. The bill would require that before approving or conditionally approving any such proposal the commission find that there is a probability that the proposal will be consistent with the spheres of influence being prepared for the local agency for which the proposal is proposed

(2) Existing law requires each local agency formation commission in determining a sphere of influence to consider various factors including, among other things, the existence of agricultural lands, as defined, in the area. Existing law defines "agricultural lands" as land used for the purpose of producing an agricultural commodity for commercial purposes.

The bill would redefine the term to mean land currently used for the purpose of producing an agricultural commodity for commerical purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program

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

Ch. 134 (AB 147) M. Waters. Child abuse.

The existing Maxine Waters Child Abuse Prevention Training Act of 1984 requires the Office of Child Abuse Prevention to fund 2 prevention centers and to contract for and fund primary child abuse prevention programs. Existing law defines a primary prevention program as a training and educational program for children, directed toward preventing the occurrence of child abuse, including physical abuse, sexual abuse, and child neglect, and reducing the general vulnerability of children including coordination with and training for parents and school staff.

This bill would make various technical changes to clarify and implement the act. The bill would delete provisions relating to initial startup costs, and would revise provisions relating to requests for proposals.

This bill would take effect immediately as an urgency statute

Ch. 135 (AB 73) Tucker. Medi-Cal.

Existing law contains duplicate articles in the Welfare and Institutions Code relating to the Medi-Cal Open Drug Formulary and Medi-Cal therapeutic drug utilization review.

This bill would repeal one article, and reorganize all nonduplicative material in the remaining article. It would also change the date by which the State Department of Health Services may award a specified contract from July 1, 1985, to January 1, 1986; the date upon which an evaluation report must be submitted to the department and Legislature by the Auditor General from May 1, 1987, to May 1, 1989; the date upon which the

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department is required to submit certain plans to the Legislature from March 31, 1985, to September 30, 1985; and the date of commencement of pilot projects from July 1, 1985, to January 1, 1986

This bill would take effect immediately as an urgency statute.

Ch 136 (AB 133) Costa. Delta levee maintenance

Chapter 1654 of the Statutes of 1984 appropriated $2,000,000 from the General Fund to the Department of Water Resources for maintenance or improvement of nonproject levees in the Sacramento-San Joaquin Delta in accordance with specified provisions, and permitted an amount not to exceed 3% of that appropriation to be used by the department for administrative costs.

This bill would instead permit an amount not to exceed $160,000 of the appropriation to be used by the department for administrative costs, thereby making an appropriation.

The bill would take effect immediately as an urgency statute

Ch. 137 (AB 2442) Ferguson Acupuncture.

Existing law specifies the qualifications for the issuance of a certificate to practice acupuncture

This bill would require that an applicant shall, in addition to other requirements, pay an initial certifications fee, which fee is established by the bill at $325.

Existing law defines specified acts of an acupuncturist which constitutes unprofessional conduct and grounds for disciplinary action by the Acupuncture Examining Committee

This bill would include in those acts (1) gross negligence, (2) repeated negligent acts, and (3) incompetence

Existing law does not authorize the Acupuncture Examining Committee to recover costs of investigation and prosecution in any disciplinary proceedings

This bill would authorize the committee to request an administrative law judge to fix those costs and to direct any licensee found guilty of unprofessional conduct to pay those costs

Existing law specifies the maximum ~~fines~~ [fees]* to be paid by certified acupuncturists and for acupuncture tutorial programs

This bill would revise those fees by (1) decreasing the application fee from $150 to $75, (2) establishing an examination fee of $200, (3) increasing the renewal fee from $150 to $325, (4) increasing the reexamination fee from $75 to $200, (5) establishing a fee of $3,000 for the approval of an acupuncture school or college, (6) increasing the fee for supervising an acupuncture trainee from $50 to $200, (7) increasing the renewal fee for supervising an acupuncture trainee from $25 to $50, (8) increasing the application fee for acupuncture trainee from $10 to $25, and (9) deleting a 10% retention fee if an application is denied or withdrawn

Existing law continuously appropriates money in the Acupuncture Fund Because this bill would increase the moneys in that fund, it would constitute an appropriation

The bill would take effect immediately as an urgency statute

Ch. 138 (AB 1339) Cortese Partnerships

Existing law provides that a statement of partnership may contain restrictions upon the authority of a partner with respect to real property Existing law provides that the statement constitutes constructive notice of the restrictions and shall be conclusive as to any real property in a county in which the statement is recorded so long as title appears in the partnership name or indicates ownership by the partnership

Existing law provides that the statement remains effective until a subsequent statement is recorded and signed, acknowledged, and verified by all the parties

This bill would instead require the subsequent statement to be signed, acknowledged, and verified by all the existing partners

Ch 139 (SB 1465) Morgan State funds

(1) Section 12 3 of the Budget Act of 1980 establishes the contingency reserve fund for economic uncertainties within the General Fund The Controller may transfer amounts from the reserve to the General Fund, as specified

This bill would discontinue the contingency reserve fund for economic uncertainties,

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would create a Special Fund for Economic Uncertainties in the State Treasury, as specified, and would transfer any balance in the above-mentioned reserve fund to the new special fund.

The bill would authorize the Controller to transfer, as necessary, from the special fund or from special accounts in the General Fund to the General Fund such amounts as are needed to meet cash needs of the General Fund, as specified

In addition, the bill would continuously appropriate, as specified, certain amounts from the General Fund to the special fund as of the end of each fiscal year.

(2) Section 12.30 of Senate Bill 150 of the 1985–86 Regular Session, the Budget Bill, among other things requires the Controller to transfer from the contingency reserve for economic uncertainties to the unappropriated balance of the General Fund an amount necessary to eliminate any General Fund deficit as of June 30, 1985 or as of June 30, 1986. It also appropriates from the General Fund to the contingency reserve for economic uncertainties as of June 30, 1986, the lesser of certain specified amounts

This bill would delete these provisions.

(3) Section 12.50 of Senate Bill 150 of the 1985–86 Regular Session, the Budget Bill, continues in existence the contingency reserve for economic uncertainties established within each special fund by the Budget Act of 1981, and makes specified appropriations therefrom

This bill would exempt the Special Fund for Economic Uncertainties from the provisions of this section.

This bill would take effect immediately as an urgency statute.

Ch. 140 (AB 36) Baker. Industrial loan companies.

(1) Existing law provides for the regulation of industrial loan companies.

This bill would add various provisions to the Financial Code, relating to industrial loan companies. Among other things, the bill would do the following:

(a) Extensively revise liquidation and conservatorship provisions relating to industrial loan companies

(b) Authorize the Commissioner of Corporations, on behalf of the State of California, to either execute a guarantee of a private loan, or to lend some or all of any amount appropriated for deposit in the Industrial Loan Special Fund, which the bill would create, to the Thrift Guaranty Corporation subject, to specified conditions

(2) This bill would create new crimes and thus impose a state-mandated local program since it would provide for certain misdemeanor penalties for violation of provisions of the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would set forth statements of legislative intent.

(5) The bill would continuously appropriate $23,000,000 from the Contingency Reserve for Economic Uncertainties, as provided in Section 12.30 of the Budget Act of 1984, to the Industrial Loan Special Fund, for implementing specified provisions of the bill. The bill would require funds in the Industrial Loan Special Fund to be invested by the State Treasurer.

(6) The bill would authorize the commissioner to pledge and grant a security interest in the amount deposited in the Industrial Loan Special Fund

(7) The bill would take effect immediately as an urgency statute, however, it would state that it is the intent of the Legislature that the bill shall not become operative unless and until SB 20 is enacted and becomes operative on or before January 1, 1986.

Ch. 141 (SB 900) Carpenter. *Local agencies. officers: benefits*

(1) Existing law authorizes local agencies to provide for the continuation of health and welfare benefits for former members of the legislative body of the local agency who served in office after January 1, 1981, and whose total service at the time of termination is not less than 12 years.

This bill would, in addition, authorize the continuation of those benefits to former members who have completed one or more terms in office, but less than 12 years, and

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who agree to and do pay the costs of the benefits.

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

Ch. 142 (SB 20) Boatwright. Industrial loan companies.

(1) Existing law provides for the regulation of industrial loan companies

This bill would extensively revise specified provisions of the Financial Code, relating to industrial loan companies Among other things, the bill would do all of the following:

(a) Create a special assessment authority for the Thrift Guaranty Corporation, hereinafter referred to as the corporation, and authorize the corporation to pledge income from these assessments or rights thereto to secure its obligations

(b) Authorize the Commissioner of Corporations, on behalf of the State of California, to either execute a guarantee of a private loan to the corporation or to lend some or all of the amount appropriated for deposit in the Industrial Loan Special Fund, which the bill would create, to Thrift Guaranty Corporation, subject to specified conditions.

(c) Revise provisions relating to investment of funds by the corporation

(d) Authorize the corporation to purchase reinsurance subject to the approval of the commissioner.

(e) Repeal provisions of existing law requiring the corporation to obtain the approval of the commissioner prior to examining or investigating the affairs of a member.

(f) Authorize the corporation to expend its funds to make loans, deposits in, purchase assets or securities of, assume liabilities of, or make contributions to any member to minimize specified deficiency payments.

(g) Require industrial loan companies chartered after the effective date of the bill to have the words "industrial loan company," "thrift company," or "thrift and loan company" as part of the company name included in the articles of incorporation

(h) Revise fund requirement provisions relating to advertising of thrift guarantee

(i) Specify the composition of the board of directors

(j) Require the corporation to establish a permanent office in this state.

(k) Authorize the commissioner to borrow funds from the corporation, an instrumentality of the United States government, or a private insurer, as specified, to facilitate the assumption of investment certificate liabilities

(*l*) Revise existing law which prohibits an industrial loan company having investment or thrift certificates outstanding from borrowing in an amount in excess of 150% of the amount represented by its outstanding capital stock, surplus, and undivided profits without consent of the commissioner, by increasing the amount to 300%, subject to specified conditions

(m) Require, on and after July 1, 1990, industrial loan companies to participate or maintain membership in insurance entities other than the corporation for purposes of investment certificate insurance, as specified

(n) Require the commissioner, until July 1, 1990, to annually report to the Legislature, as specified

(2) This bill would create a new crime and thus impose a state-mandated local program since it would provide for certain misdemeanor penalties for a violation of provisions of the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

(4) The bill would set forth statements of legislative intent.

(5) The bill would continuously appropriate $40,000,000 from the Contingency Reserve for Economic Uncertainties, as provided in Section 12 30 of the Budget Act of 1984, to the Industrial Loan Special Fund for implementing specified provisions of the bill. It would require funds in the Industrial Loan Special Fund to be invested by the State Treasurer

(6) The bill would take effect immediately as an urgency statute; however, it would state that it is the intent of the Legislature that the bill shall not become operative unless and until AB 36 is enacted

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Ch 143 (SB 57) Hart. Analysis of Education Code. school holidays: Cuyama Unified School District

(1) Existing law provides in the Education Code for the operation and maintenance of programs of elementary and secondary education, and of the administration of public education, including the operations of county superintendents of schools

This bill would direct the Legislative Analyst to contract, as specified, with a private individual or organization to conduct a study of those sections of the Education Code that relate to elementary or secondary education, or to the programs or operations of the county superintendents of schools, in order to identify references that are inconsistent, ambiguous, obsolete, or otherwise inappropriate.

This bill would appropriate $100,000 to the Legislative Analyst to contract for the study, to pay any administrative costs in supervising the contract, and to produce a report of the results of the study, which report the Legislative Analyst is required to submit to the Governor and to the fiscal and education policy committees of each house of the Legislature.

(2) Existing law directs that the public schools shall close on the third Monday in January for "Dr. Martin Luther King, Jr Day," and on February 12th for "Lincoln Day "

This bill would authorize the governing board of a school district, as of July 1, 1986, to, instead, celebrate Dr Martin Luther King, Jr Day on the Friday or Monday of the week in which January 15th occurs, or on the third Monday in January, or Lincoln Day on the Friday or Monday of the week in which February 12th occurs

(3) Under existing law, statements and maps and plats are required to be filed with the State Board of Equalization and local assessors by January 1 if changes are made in boundaries of local taxing jurisdictions in order to make the boundaries effective for tax purposes in the ensuing fiscal year

This bill would specify that the formation of the Cuyama Unified School District would be effective on July 1, 1986, for the purposes of those provisions, but would otherwise be effective on July 1, 1985

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

Ch 144 (SB 311) B Greene Disability insurance: public agencies.

Existing law provides that individuals with qualifying earnings who are unemployed due to temporary illness or disability may receive unemployment compensation disability benefits School employees are not eligible for these benefits between school terms if they have reasonable assurance of reemployment in the next term

This bill would provide that temporarily disabled school employees with qualifying earnings would be eligible for between-terms disability benefits, without regard to reasonable assurance of reemployment in the next term

Existing provisions of the Unemployment Insurance Code continuously appropriate the moneys in the disability fund Because this bill would make the moneys available for a new purpose, it would constitute an appropriation

Existing law permits any local public agency to elect to become an employer for unemployment disability insurance purposes with respect to its employees if the election is made before January 1, 1985, as a result of a negotiated agreement between the public agency and a recognized employer organization.

This bill would delete the requirement that limits this provision to elections made before January 1, 1985

Since the bill requires a local agency to meet and confer concerning the issue of disability insurance, as part of the collective bargaining process, if requested to do so by the agency's employees, the bill would create a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

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This bill would take effect immediately as an urgency statute.

Ch. 145 (AB 597) O'Connell. Hazardous substances: Hazardous Substance Account.

Under existing law, moneys in the Hazardous Substance Account, upon appropriation by the Legislature, may be expended by the Director of Health Services for specified purposes. Moneys in the Hazardous Waste Control Account are continuously appropriated to the State Department of Health Services to pay for the costs incurred in administering specified hazardous waste regulation provisions, including support of the Toxic Substance Enforcement program in the office of the Attorney General.

This bill would allow moneys in the Hazardous Substance Account to be expended, upon appropriation by the Legislature, to support the Toxic Substance Enforcement program in the office of the Attorney General. The bill would require the Attorney General to report to the Legislature annually on the expenditure of funds appropriated to the office of the Attorney General from the Hazardous Substance Account.

The bill would take effect immediately as an urgency statute.

Ch 146 (SB 193) Rosenthal. Postsecondary education. student financial aid programs.

Existing law provides for a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in institutions including colleges and universities located in California and accredited by the Western Association of Schools and Colleges or the American Osteopathic Association.

This bill would additionally authorize the use of fellowships in colleges and universities located in California and accredited by the National Architectural Accrediting Board.

This bill would take effect immediately as an urgency statute.

Ch. 147 (SB 365) Vuich. Bank holidays.

Existing law specifies, with respect to banks organized under the laws of or doing business in this state, that certain days are holidays and not business days.

This bill would instead provide that optional bank holidays, as defined, are not business days.

Existing law relating to commercial paper specifies that instruments are payable on the next business day when maturity falls on a Saturday, Sunday, or holiday, and provides that any Friday immediately preceding a Saturday falling on July 4th, September 9th, or December 25th is a bank holiday Existing law defines optional bank holidays for purposes of determining when instruments are payable if their maturity falls on an optional bank holiday.

This bill would delete the designation of those Fridays as bank holidays and would revise the list of optional bank holidays.

The bill would take effect immediately as an urgency statute.

Ch. 148 (SB 382) McCorquodale. Water quality enforcement.

Existing law specifies that the complainant may waive the right to a hearing in connection with the imposition of administrative civil liability for specified water quality violations.

This bill would instead provide that the person who has been issued a complaint may waive that right.

Ch. 149 (SB 384) L. Greene. County sanitation districts.

Existing law requires, with certain exceptions, that where the expenditure required for work for a county sanitation district exceeds $5,000, that the work be contracted for and let to the lowest responsible bidder.

This bill would increase this limit from $5,000 to $25,000. It would require when the work is done by the district by force account the amount shall not exceed $5,000.

Ch. 150 (SB 565) Carpenter. Interim school facilities.

For the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, the existing law permits a city, county, or city and county to adopt an ordinance requiring the dedication of land, the payment of in-lieu

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fees, or a combination of both for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development.

This bill would specify that no more land shall be purchased from the payment of those fees than is necessary for the placement of interim facilities.

Ch. 151 (SB 650) Nielsen. Lake County: public administrator.

Existing law requires specified county offices, including the district attorney and public administrator, to be elective offices unless the voters of the county adopt a proposal making an office appointive. Other county offices are appointive Special authorization is given the board of supervisors of Mendocino County to adopt an ordinance making the office of public administrator appointive, to appoint the same person to the offices of public adminstrator, veteran service officer, and public guardian, and to separate the consolidated offices of district attorney and public administrator at any time in order to make these appointments.

This bill would extend to the board of supervisors of Lake County the same authority possessed by the board of supervisors of Mendocino County.

The bill would make a legislative finding concerning the necessity of a special act.

Ch. 152 (SB 733) McCorquodale Classified employees: readers for legally blind teachers.

Existing law provides for the Reader Employment Fund, from which the Superintendent of Public Instruction is directed to allocate available funds to applicant school districts in an amount sufficient to provide the legally blind teachers employed by the district with the services of a reader for a maximum of 15 hours per school week.

This bill would additionally provide that this funding is available to schools operated by county superintendents of schools, and to state schools for the handicapped

This bill would take effect immediately as an urgency statute.

Ch. 153 (SB 899) Carpenter Counties. property disposition

Existing law generally permits a county to enter into agreements to sell or lease any of its property for certain purposes, participate as a principal party in the development of the property for various uses, or contract for the management, marketing, operation, or leasing of its property for certain purposes Existing law requires the county, prior to entering into an agreement for any of those purposes, to comply with certain other provisions of existing law which require the county to follow a specified procedure prior to disposing of surplus land.

Existing law provides that a county, in managing any of its property acquired after January 1, 1984, may sell, lease, develop, or otherwise dispose of the property in accordance with those provisions of law if that property was acquired by means of an exchange of property or by a purchase using the proceeds of the sale of other county surplus property.

This bill would delete the requirement that the property be acquired in that manner in order to sell, lease, develop, or otherwise dispose of the property in accordance with those provisions of law.

Ch 154 (AB 1568) McClintock. Mortgages and trust deeds: notices of default and sale.

(1) Existing law requires the trustee under a trust deed or mortgagee under a mortgage, where the trust deed or mortgage has a power of sale and is in default, to mail a copy of any notice of default or notice of sale to each truster or mortgagor by registered or certified mail

This bill would require duplicate notices to be simultaneously mailed to each truster or mortgagor by first-class mail, and would require the person causing the mailing to execute and retain a prescribed affidavit certifying the mailing, which would establish a conclusive presumption of mailing in the absence of fraud

(2) Under existing law, a party may record a notice of the pendency of an action, commonly known as a lis pendens, after an action concerning real property or affecting the right of possession of real property is commenced 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. Except as to actions brought under the Eminent

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Domain Law, existing law requires, before a lis pendens is recorded, that a copy of the notice be mailed, by first-class mail with return receipt requested, to all known addresses of the adverse parties and to all owners of record as shown by the county assessor's office

This bill would require this service to be by registered or certified mail with return receipt requested, and would make technical, clarifying changes.

Ch 155 (AB 46) Papan Disability benefits.

Existing law limits the amount of disability benefits that an individual may receive by offsetting any wages or regular wages the individual receives from his or her employer during a period of disability, as specified.

This bill would provide that for purposes of this provision, the amount of wages or regular wages as stated by the individual shall be presumed to be accurate as a presumption affecting the burden of producing evidence

Ch. 156 (AB 51) Chacon. Housing: mortgage bonds.

Existing law, among other things, requires the Capitol Area Development Authority to make certain housing units available at affordable rents, as defined, to low-income households, as defined For purposes of those provisions affordable "rents" means rents (including utility allowances established by the authority) not exceeding 25% of the gross income of the occupant, person, or family.

This bill would revise this definition to mean rents, including the utility allowances, not exceeding those allowed under the United States Department of Housing and Urban Development Section 8 Housing Assistance Payments Program or its successor.

The federal Mortgage Subsidy Bond Tax Act of 1980, with certain exceptions, limits the amount of public bonds, interest upon which is exempt from federal income taxation, that may be issued annually in any state to finance loans for owner-occupied residences, as specified.

This bill would designate the Treasurer as the state official to certify that an issue of qualified mortgage bonds meets the specified federal limitation requirements and to take any and all actions as may be necessary or appropriate in connection therewith.

Existing law authorizes a local agency by written agreement to assign to any other issuer having the authority to issue qualified mortgage bonds under state law all or any part of the local agency's entitlement allocation for the calendar year under specified circumstances.

This bill would also permit the assignment of the local agency's supplementary allocation.

The bill would take effect immediately as an urgency statute

Ch 157 (AB 96) McAlister Real property

(1) Existing law provides that a joint tenant may sever a joint tenancy in real property as to his or her interest without the consent of the other joint tenants by (a) execution and delivery of a deed that conveys legal title of the interest to a third person, or (b) execution of a written instrument that evidences the intent to sever the joint tenancy, including a deed that names the joint tenant as transferee, or of a written declaration that the joint tenancy is severed as to the interest of that joint tenant Existing law also provides that it does not authorize severance contrary to a written agreement of the joint tenants These provisions apply to all joint tenancies in real property, whether the joint tenancy was created before, on, or after January 1, 1985, but do not affect the validity of a severance in the case of the death of a joint tenant before January 1, 1985.

This bill would provide that severance of a joint tenancy of record by deed, written declaration, or other written instrument is not effective to terminate the right of survivorship of the other joint tenants as to the severing joint tenant's interest unless one of the following is satisfied: (a) before the death of the severing joint tenant, the deed, written declaration, or other written instrument effecting the severance is recorded in the county where the real property is located, or (b) the deed, written declaration, or other instrument effecting the severance is executed and acknowledged before a notary public by the severing joint tenant not earlier than 3 days before the death of that joint tenant and is recorded in the county where the real property is located not later than 7 days after the death of the severing joint tenant.

The bill would not affect a written instrument executed by all the joint tenants that

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severs the joint tenancy, a severance made by or pursuant to a written agreement of all joint tenants, or a deed from one joint tenant to another. The bill would also not apply to any severance made before January 1, 1986.

(2) Under existing law, nonuse of an easement acquired by prescription will extinguish the easement if continued for the period specified by law for acquiring title by prescription. However, where an easement is acquired by grant, mere nonuse will not extinguish the easement, regardless of how long continued.

This bill would authorize the owner of real property subject to an easement to bring an action to establish abandonment of the easement if the easement is unused for 20 years immediately preceding the filing of the action, no separate taxes are paid on the easement during that period, and no instrument creating, reserving, transferring, or otherwise evidencing the easement is recorded during that period. The bill would authorize easement owners to record a notice of intent to preserve easements, as specified. Under the bill, such a notice could be recorded subsequent to the filing of an action for abandonment, and be effectual to prevent a judicial declaration of abandonment, if the owner of the easement pays prescribed litigation costs of the other party. The bill would apply to all easements, whether executed or recorded before, on, or after January 1, 1986, except easements that are part of a unified or reciprocal system for the mutual benefit of multiple parties

(3) Chapter 41 of the Statutes of 1985 makes various changes in the law relative to writs of execution. This bill would correct an erroneous cross-reference in one of those provisions.

Ch. 158 (AB 123) Farr Community colleges· board of governors

Existing law provides that the terms of office of members of the Board of Governors of the California Community Colleges, except the student member and faculty member appointed by the Governor is 4 years

This bill would specifically provide for a staggered-term arrangement for the members appointed by the Governor. These provisions would not apply to the student member and the faculty member.

This bill would specify that each term of office shall commence at the expiration of the preceding term, and that a member whose term has expired shall continue to discharge the duties of office until his or her successor is appointed

Ch. 159 (AB 127) Hannigan Income taxes

Chapter 488 of the Statutes of 1983 substantially revised the Personal Income Tax Law by amending, adding, and repealing 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.

Under both state and federal income tax laws, a taxpayer is allowed to amortize the amortizable basis of any pollution control facility. However, there are various differences between the federal and state laws, including, among other things, differences in the certification requirement, the specific eligible facilities, and the amortization period.

This bill would repeal those provisions under the Personal Income Tax Law and the Bank and Corporation Tax Law, and, instead, the amortization of pollution control facilities as provided under the federal income tax law in effect as of the date specified in Section 17024.5 of the Revenue and Taxation Code would be allowed with respect to facilities located in this state.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, in the case of a taxpayer engaged in the business of farming, expenditures made for the purpose of soil and water conservation and the prevention of erosion, as defined, of land used in farming, as defined, are deductible Under the federal income tax laws, a similar deduction is allowed with certain differences, including, among other things, a limitation on the amount deductible

This bill would repeal those state provisions, and, instead, those expenditures allowed to be deductible under the federal income tax laws in effect as of the date specified in Section 17024.5 of the Revenue and Taxation Code would be deductible for state tax purposes

Under the existing Personal Income Tax Law, a specified federal income tax statute

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disallowing certain expenses in connection with business use of the home does not apply to any owner-occupied dwelling which is receiving the homeowner's property tax exemption It also makes inapplicable a specified federal income tax statute relating to the deductibility of certain expenses in connection with business use of the home to provide certain day care services

This bill would make both of those federal income tax provisions applicable for state income tax purposes.

Under the existing Personal Income Tax Law, the basis of property acquired from a decedent, as specified, generally is fair market value as of the date of acquisition For federal income tax purposes, it is the fair market value as of the date of the decedent's death, unless an election is made under specified provisions of federal tax law

This bill would eliminate those differences, and would delete, in part, provisions in the Personal Income Tax Law making inapplicable specified federal laws which provide a stepped-up basis by setting forth the type of property considered to have been acquired from or to have passed from the decedent. It also would delete provisions making inapplicable specified federal laws relating to increased basis for imposition of certain gift and estate taxes.

Under the existing Personal Income Tax Law, a specified federal income tax statute, relating to a separate tax on lump-sum distributions, is applicable, as modified.

This bill would instead require that the taxation of lump-sum distributions be in accordance with a specified statute in the Personal Income Tax Law

Under existing law, every individual, partnership, corporation, or other organization engaged in a trade or business in California, making certain payments in the course of that trade or business, is required to make prescribed information returns.

This bill would require, in conformity with a federal law, a specified information return to be filed by any service-recipient engaged in a trade or business who pays in the course of that trade or business during any calendar year remuneration of $600 or more to any person for services performed by that person.

Under existing law, employers are required to withhold on all wages, as defined, of residents and on wages of nonresidents for services performed in this state Income taxes are not required to be withheld from benefits paid under certain pensions, annuities, and other deferred income, unless the recipient requests that withholding be made.

This bill would instead, beginning July 1, 1986, require, in conformity with federal income tax laws, payors to withhold state income tax from the taxable part of certain pensions, annuities, and other deferred income, but a recipient may elect, for any reason, not to have tax withheld from any distribution. It also would require, beginning July 1, 1986, any supplemental unemployment compensation, as defined, and certain sick pay, as defined, to be treated as a payment of wages by an employer to an employee for purposes of withholding.

This bill would make various technical and clarifying changes to the Personal Income Tax Law.

This bill would take effect immediately as a tax levy.

Ch. 160 (AB 160) Killea Vehicles· reckless driving.

(1) Existing law prescribes misdemeanor penalties for reckless driving, which is defined as driving a vehicle upon a highway in willful or wanton disregard for the safety of persons or property.

This bill would extend the application of this offense to include defined offsteet parking facilities. By changing the definition of a crime, this bill 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

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

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Ch. 161 (AB 172) Frazee. Gifts to the state.

With certain exceptions, existing law requires the approval of the Director of Finance before a gift of personal or real property may be accepted by the state.

This bill would add an exception to the requirement by authorizing the Department of General Services to accept donated, unencumbered personal property received in conjunction with the Federal Surplus Personal Property Program, without prior approval by the Director of Finance

Ch 162 (AB 199) Condit. Weights and measures

(1) Existing law provides for a system of licensing and regulating the operation of weighmasters Notwithstanding this law, the weight of squid or anchovy may be determined by a specified method except for squid or anchovy delivered for canning, retorting, or reducing for which the weight is determined pursuant to this law

This bill would include Pacific whiting with the other 2 varieties of fish that ~~may~~ [need]* not be weighed pursuant to the general weighmaster law and would delete canning from the operations that exempt those fish from the specified weighing system.

The bill would make other technical changes in the provisions regarding weighmasters.

(2) Existing law requires that farm products, with specified exceptions, sold by weight, be weighed by a weighmaster who issues a certificate of that weight. When the processing or conditioning charges or purchase of these products is based on the weight of the finished product, the finished product is also required to be weighed by a weighmaster who issues a second certificate.

This bill would specify that these requirements of a weighmaster weighing farm products apply when the products are sold by bulk weight.

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

Ch. 163 (AB 218) La Follette Helmets

(1) Existing law authorizes the Department of the California Highway Patrol to adopt regulations establishing specifications and standards for motorcycle safety helmets which are offered for sale or sold in this state and to consider standards of other states in developing the regulations A violation of the Vehicle Code, unless otherwise specified, is an infraction.

This bill would delete the requirement to consider other state standards and, instead, require the regulations to include the requirements imposed by the Federal Motor Vehicle Safety Standard No 218.

The bill would require each helmet to be conspicuously labeled in accordance with the federal standard and, thereby, would impose a state-mandated local program by defining a new crime

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 164 (AB 257) Johnston Schools· vocational education: California Advisory Council on Vocational Education.

Existing law provides for the establishment of the California Advisory Council on Vocational Education, comprised of representatives appointed in a prescribed manner Existing law prescribes the duties and responsibilities of the council.

This bill would repeal and recast or revise the provisions of current law relating to the composition and the duties and responsibilities of the council, as prescribed, and would rename the council as the California State Council on Vocational Education.

Ch 165 (AB 446) Leonard Child abuse· harmful matter: sentencing.

Existing law provides that any lewd or lascivious act with a child under the age of 14 years is punishable by imprisonment in the state prison for 3, 6, or 8 years.

Existing law also requires the court, in imposing a sentence of imprisonment where the statute specifies 3 possible terms, to impose the middle term, unless there are circumstances in mitigation or aggravation to permit the imposition of the lower or upper term

This bill would provide that lewd or lascivious acts with a child under the age of 14 years where obscene or harmful matter was used in order to induce, persuade, or

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encourage the minor to engage in the acts shall be considered a circumstance in aggravation of the crime in imposing sentence

Ch. 166 (AB 501) Hauser Alcoholic beverage license conversion Mendocino County.

Under existing law, the Director of Alcoholic Beverage Control may authorize the conversion of any on-sale general license for seasonal business to an on-sale general license if the seasonal license was originally issued prior to May 1, 1982, or if an application for original issuance of that license was filed prior to that date

This bill would make those provisions applicable in Mendocino County if the on-sale general license for seasonal business was originally issued prior to October 1, 1982, or an application for original issuance of that license was filed prior to that date

Ch 167 (AB 513) Tanner. Petroleum products. gasoline, diesel fuel, kerosene, fuel oil, and automotive spark-ignition engine fuel

(1) Existing law requires the Department of Food and Agriculture, in adopting rules and regulations regarding specifications for gasoline, diesel fuel, kerosene, and fuel oil, to adopt, except as specified, the latest standards for gasoline established by the American Society for Testing and Materials (ASTM), a private and nongovernmental entity, and authorizes the department to adopt the latest standards for diesel fuel, kerosene, and fuel oil established by ASTM.

This bill would instead require the department to adopt specifications by reference as set forth in the latest standards for gasoline, diesel fuel, kerosene, fuel oil, and automotive spark-ignition engine fuel established by ASTM, except as specified The bill would define the terms "diesel fuel," "kerosene," "fuel oil," and "automotive spark-ignition engine fuel "

The bill would also define and thereby note the difference between the general term "motor fuel" and the more specific term "motor vehicle fuel " The bill would revise various provisions so as to make reference to "motor fuel" rather than "motor vehicle fuel."

(2) Existing law makes it unlawful to sell gasoline unless it conforms to the department's specifications

This bill would, instead, make it unlawful to sell gasoline or automotive spark-ignition engine fuel unless it conforms to the department's specifications.

(3) Existing law requires specified persons who distribute 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 as specified, the minimum antiknock index number of the products distributed.

This bill would instead require that statement to be made on one of those specified documents

The bill would, in addition, revise various provisions relating to the sale, storage, and labeling of petroleum products in general, and diesel fuel, kerosene, and fuel oil in particular

(4) Existing law makes any violation of provisions relating to the sale of petroleum products a misdemeanor This bill would impose a state-mandated local program by adding new crimes

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 168 (AB 560) Seastrand. Legislators' Retirement System. members' accounts-interest crediting rate

The existing Legislators' Retirement Law requires the Board of Administration to credit all contributions of members and retired members with interest at the current rate, compounded at each June 30th

This bill would require that crediting to be, instead, at the net earnings rate, as defined, compounded at each June 30th

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Ch. 169 (AB 790) Kelley Veterans' Home of California.

Under existing law, upon the death of a veteran who became a member of the Veterans' Home of California on or after January 1, 1984, all money and property of that member on the premises or in the custody of the home is delivered without probate to the heirs of the member after payment of funeral expenses and any obligation owed to the home, including any costs of care rendered by the home in excess of fees paid by the member to the home, and any funds of the veteran representing the cost of care rendered by the home in excess of fees paid is deposited in the General Fund

This bill would, instead, direct that any funds of a member representing the cost of care rendered by the home in excess of fees paid be paid into the post fund of the home

Ch 170 (AB 815) Robinson Law libraries.

Existing law provides that, upon application, various law libraries may contract to become a selective or complete depository library

This bill would also allow, upon application, the law libraries of the courts of appeal to contract to become a selective or complete depository library

Ch. 171 (AB 890) Harris Partnerships

Existing law provides for the filing of certificates of limited partnership with the Secretary of State, and of applications for registration of foreign limited partnerships with the Secretary of State

This bill would authorize the Secretary of State to cancel those certificates and applications if a check or other remittance in payment of the filing fee is not paid upon presentation, after giving notice and opportunity to pay, as specified

Ch 172 (AB 1065) Bader. Environmental impact reports California Housing Finance Agency

The California Environmental Quality Act, with specified exceptions, requires preparation of an environmental impact report or negative declaration in connection with the consideration by a public agency of a discretionary project, as prescribed Actions taken by the Department of Housing and Community Development to provide financial assistance for the development and construction of residential housing for persons and families of low or moderate income, as defined, are exempt from the coverage of the act if the project will be reviewed under the act by another agency

This bill would extend that exemption to actions taken by the California Housing Finance Agency to provide financial assistance for the development and construction of residential housing for persons and families of low or moderate income The bill would also exempt from the coverage of the act the provision of insurance by either the Department of Housing and Community Development or the California Housing Finance Agency in connection with the development and construction of that residential housing. Finally, the existing exemption and the additional exemptions proposed by this bill would be available if the project will be reviewed under the act by another public agency, rather than another agency

Ch 173 (AB 1166) Connelly State employees· reinstatement

Under existing law, state employees have specified reinstatement rights subject to the rules of the State Personnel Board. Specific provision is made for members of the California Highway Patrol and for those members reinstatement must occur within 3 years.

This bill would remove the 3-year limitation if the former highway patrol member is reinstated to a nonmember class

Existing law permits the reinstatement at the discretion of the appointing power of employees who are separated from state service by layoff or resignation in lieu of layoff

This bill would also permit reinstatement to a specific former position if the person was demoted in lieu of layoff

Ch. 174 (AB 1315) Leonard Federal social security: Medicare for STRS members

Pursuant to law, the state administers an agreement with the federal government for social security coverage of employees of the state and of the political subdivisions thereof which contract for coverage.

This bill would express legislative intent that, to the extent possible, members of the State Teachers' Retirement System earn credit towards Medicare coverage, require the Board of Administration of PERS to make available to school districts, community col-

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lege districts, and county superintendents of schools information regarding procedures for earning that credit for school-related service not credited under the State Teachers' Retirement Law.

Ch. 175 (AB 1693) Condit. Stanislaus County—CERL. Optional Plan 3.

The County Employees Retirement Law of 1937 presently contains various alternative benefits provisions which may be selected by various counties.

This bill would authorize Stanislaus County to elect, as specified, to be subject to Retirement Plan 3, an alternative, optional, noncontributory, integrated plan and this new authorization would impose state-reimbursable state-mandated local program negotiating costs, since its exercise would be subject to negotiation under existing law relating to local employer-employee relations

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Ch 176 (AB 1935) Ferguson. Public Employees' Retirement System

The existing Public Employees' Retirement Law (PERL) authorizes, when a contracting agency is disbanded or consolidated and its assets and liabilities are transferred to the succeeding entity, members employed by that employer to elect either to leave their accumulated contributions on deposit or to have them transferred to the succeeding entity.

This bill would authorize, upon request of the member, direct transfer of the accumulated contributions to the succeeding entity

The existing PERL authorizes reinstatement subject to specified conditions and authorizes reinstatement without regard to those conditions for any person under age 73 who is appointed to any of specified civil service exempt positions and has special knowledge, experience, and qualifications therefor

This bill would eliminate the age limitation.

A provision of the existing PERL: provides that survivor continuance allowances payable to surviving spouses upon death after retirement of members shall not cease upon remarriage on or after January 1, 1985; prohibits any person who, as a result of such a remarriage, would otherwise become a family member, from enrolling in a health benefits plan as a family member, and would not be applicable to employees of contracting agencies unless their employer so elected.

This bill would provide that, as to contracting agencies so electing, the provision shall apply only to a surviving spouse of a local member whose remarriage occurred on or after the date on which the contracting agency so elects.

This bill would make other related, technical, and clarifying changes

This act would take effect immediately as an urgency statute.

Ch. 177 (AB 2512) N. Waters. Missing persons.

Existing law provides for the submission to and cataloging of, missing person reports by the Department of Justice within a specified time period.

This bill would provide that police departments, sheriffs, and other law enforcement authorities must accept missing person reports on persons under 18 years of age regardless of the legal residence of that person, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be

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made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch 178 (AB 2523) Tucker. California Veterans' Home: member fees.

Existing law provides for the operation of the Veterans' Home of California for aged and disabled veterans and their spouses meeting eligibility requirements. Existing law, in effect until January 1, 1986, limits the total of the fees and charges required to be paid by members to not more than 18% of the state's General Fund budget for the home

This bill would delete the January 1, 1986, termination date for these provisions, thereby extending these provisions indefinitely

Ch. 179 (SB 368) Foran. State-mandated local costs

Existing law, effective January 1, 1985, specifies a procedure for local agencies and school districts to file claims with a Commission on State Mandates for reimbursement of costs mandated by the state and incurred by the agencies and districts This law provides for reimbursement of the state-mandated local costs from the State Mandates Claims Fund or pursuant to other specified procedures.

This bill would make various technical changes to clarify and implement this new law It would provide that the one public member of the commission shall receive per diem of $100 for each day actually spent in the discharge of official duties, plus reimbursement for expenses.

Existing law provides that no provision of law enacted by the Legislature, which created costs mandated by the state for which reimbursement is made, shall be effective for more than 6 years. It further requires each bill containing these provisions to include language repealing the provisions no more than 6 years after the operative date of the provisions.

This bill would repeal these requirements

The bill would take effect immediately as an urgency statute and its provisions would take effect retroactively to January 1, 1985.

Ch. 180 (AB 38) Vasconcellos. Payment of claims.

Existing law authorizes the governing board of any school district maintaining a voluntary integration program, or a court-mandated desegregation program, to file a claim for reimbursement of the costs of those programs, as specified

(1) Notwithstanding any other provision of law, this bill would establish a ceiling, as specified, on those reimbursements for desegregation costs incurred in the 1985–86 fiscal year, and each fiscal year thereafter, as specified. This bill would require the maximum reimbursement to be annually adjusted, as specified

(2) This bill would establish 2 separate ceilings, as specified, for reimbursements for programs operating pursuant to a final court order One ceiling would apply to programs operating pursuant to a final court order issued prior to ~~January 1, 1986,~~ [the effective date of this bill]* and implemented prior to the 1985–86 fiscal year, the other to those operating pursuant to a final federal court order issued prior to January 1, 1986, and not implemented until the 1985–86 fiscal year

(3) This bill would also specify that, notwithstanding any other provision of law, a school district which meets specified conditions shall be reimbursed for costs of a voluntary program designed to remedy the harmful effects of racial segregation based on costs incurred in the 1981–82 fiscal year

(4) The bill would provide that desegregation program costs shall be subject to audit by the Controller to determine certain specified matters

(5) Prior to receiving reimbursement for desegregation program costs, this bill would require the governing board of a school district to submit to the Superintendent of Public Instruction and the Controller a copy of the district's latest adopted desegregation plan

(6) Existing law appropriates the sum of up to $7,000,000 and the sum of up to $30,000,000 from the General Fund for transfer to the Controller for reimbursement of claims in the 1984–85 fiscal year to school districts for the costs of voluntary integration programs and for the costs of court-mandated programs, respectively, designed to remedy the harmful effects of racial segregation

This bill would require that of the $7,000,000 appropriated for the estimated cost

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claims for voluntary integration programs, $5,209,939 be allocated to the Long Beach Unified School District and up to $1,790,061 be allocated to other school districts.

(7) This bill would also appropriate $95,357,123 from the General Fund to the Controller for the payment of claims for reimbursement of costs incurred in the 1983–84 fiscal year for voluntary integration programs and for the payment of claims for reimbursement of specified estimated cost claims and for specified programs to remedy the harmful effects of racial segregation in the 1983–84 and 1984–85 fiscal years.

(8) This bill would require the Commission on State Mandates to act on each claim filed prior to the enactment of this bill for costs of voluntary and court-ordered desegregation programs within 75 days of this bill's effective date, and to act on claims filed after the enactment of this bill within 75 days of filing

(9) This bill would state the intent of the Legislature to provide compensation in the Budget Act of 1986 for the 1985–86 and 1986–87 fiscal year voluntary and court-ordered desegregation claims

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

Ch 181 (AB 583) Frazee Electronic and appliance repair dealers registration fees.

Existing law establishes a schedule of fees for the initial registration and renewal of registration of electronic and appliance repair industry service dealers, and authorizes the Director of Consumer Affairs to set the fees by regulation. The fees are deposited in the Electronic and Appliance Repair Fund

This bill would increase the maximum amount of those fees

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Electronic and Appliance Repair Fund Because this bill would authorize an increase in the amount of moneys in the fund, which is continuously appropriated, it would constitute an appropriation

Ch 182 (AB 1224) O'Connell County employees health benefits

The existing Public Employees' Medical and Hospital Care Act provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System. Public agencies which have contracted with the board to have their employees become members of the retirement system may also elect to become subject to this act.

This bill would extend this election to counties which are subject to the County Employees Retirement Law of 1937

Ch. 183 (AB 712) Vicencia Truck tractors: license plates

Under existing law, the Department of Motor Vehicles is required to issue 2 license plates to the owner of a truck tractor, which are required to be attached to the vehicle, one in the front and one in the rear

This bill would require, when and if the Department of the California Highway Patrol implements a program requiring identifying numbers on the right and left sides of truck tractors, that one license plate be issued for a truck tractor and that it be attached to the front of the vehicle

Ch 184 (AB 539) Leonard. Community college finance emergency apportionments: Chaffey Community College District, Lassen Community College District, Los Angeles Community College District, Peralta Community College District [3]

Existing law authorizes emergency apportionments to be provided to community college districts, as specified

This bill would require the amount deducted by the Controller from apportionments paid to a community college district to repay its emergency apportionment to be reapportioned to the source of the emergency apportionment

Certain requirements must be satisfied under existing law before an emergency apportionment is made Among other things, the district is required to submit to the county superintendent of schools having jurisdiction over the district a plan adopted by the governing board to resolve the district's financial problems The Chancellor of the

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California Community Colleges is required to review specified information submitted to the chancellor by the county superintendent, and to provide comments and recommendations to the Director of Finance.

This bill would require the Chancellor of the California Community Colleges to consider specified budget expenditures and include comments and recommendations regarding those expenditures when advising the Director of Finance.

This bill would appropriate $9,800,000 from the General Fund to Section B of the State School Fund for emergency apportionments to Chaffey Community College District, Lassen Community College District, Los Angeles Community College District, and Peralta Community College District in the 1984–85 fiscal year.

This bill would require the governing board of the Los Angeles Community College District to biannually report to the Legislature and the Governor regarding specified matters relating to the sale of surplus property owned by the district as a condition of receiving an emergency apportionment pursuant to this act.

This bill would take effect immediately as an urgency statute.

Ch. 185 (AB 367) McClintock. School district budgets.

Existing law requires each county superintendent of schools to annually file one copy of the adopted budget for each school district within his or her jurisdiction with the board of supervisors, the auditor of the county, and the Superintendent of Public Instruction.

This bill would delete the requirement that one copy of the adopted budget for each school district be filed with the board of supervisors.

Ch. 186 (AB 312) Klehs Taxation.

(1) Existing law defines "change in ownership" for purposes of property taxation as including the creation, renewal, sublease, assignment, or other transfer of the right to produce or extract oil, gas, or other minerals for so long as they can be produced or extracted in paying quantities.

This bill would instead include in this definition the creation, renewal, sublease, assignment, or other transfer of the right to produce or extract oil, gas, or other minerals regardless of the period during which the right may be exercised.

(2) Existing law provides that persons who purchase replacement property for real estate taken by governmental action are entitled to have the base year value of the replacement property for property taxation purposes limited to the base year value of the property taken. However, these persons are required to pay taxes based on the higher property value until the following fiscal year when the lower value is put on the regular assessment roll.

This bill authorizes the use of the supplemental assessment roll as a means of providing immediate property tax relief to these persons.

(3) Existing law specifies a procedure for the late filing of exemption claims for the regular assessment roll but does not specify any procedure for the late filing of exemption claims for the supplemental assessment roll.

This bill would apply the regular assessment roll procedure for the late filing of exemption claims to the late filing of exemption claims for the supplemental assessment roll

(4) Existing law generally authorized county assessors until June 30, 1980, to levy escape assessments on property which existed on the 1975 lien date, but which escaped taxation entirely, and was not merely underassessed.

This bill would require property that escaped property taxation for 1975 and was not merely underassessed for that year, to be added to the roll in any year in which the escape is discovered.

(5) Existing law specifies procedures for the collection of taxes levied under the Timber Yield Tax Law.

This bill would add provisions to this law to make the collection procedures comparable to those of the Sales and Use Tax Law.

(6) The bill would also make various technical and clarifying changes.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates

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Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by imposing new duties on county assessors as stated in paragraphs (2) and (4).

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 187 (AB 346) Calderon Loans.

Existing law does not specifically authorize a personal property broker, consumer finance lender, or commercial finance lender to sell promissory notes evidencing the obligation to repay loans made by that licensee to institutional investors, as defined.

This bill would do so. It would also authorize those licensees to make agreements with institutional investors, as defined, for the collection of payments or the performance of services with respect to those notes. This bill would provide that such authorization shall not be construed to affect specified rules and regulations of the Commissioner of Corporations, in effect on January 1, 1986, or shall be construed to enhance or be in derogation of the Real Estate Law on the rules and regulations of the Real Estate Commissioner, as specified

Ch. 188 (AB 647) Vicencia 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 are leased to a general law city, as specified, or is leased to a civic organization to be used for community center purposes, as specified.

This bill would provide an additional exception if alcoholic beverages are acquired, possessed, or used during events at a college-owned or operated veterans stadium with a capacity of over 12,000 people and located in Los Angeles County The events would be limited to football games sponsored by a college, other than a public community college, and other events sponsored by noncollege groups.

Ch 189 (AB 701) Herger. Child abuse reporting

Existing law requires certain classes of persons to report known or suspected instances of child abuse Failure to do so is a misdemeanor.

This bill would expand the definition of one of those classes of persons required to report, child care custodians, to include persons who are administrators or presenters of, or counselors in, child abuse prevention programs in the public or private schools, thus establishing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 190 (AB 823) Costa Striped bass

(1) Under existing law, a sport fishing licensee until January 1, 1986, is required to have, in addition to any applicable license stamp, a striped bass stamp permanently affixed to his or her license in order to take striped bass.

This bill would extend these provisions until January 1, 1990. The bill would make an appropriation since the fees for this stamp are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund The bill would impose a state-mandated local program since violation of this requirement, which the bill would extend in effect, is a misdemeanor.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 191 (AB 912) Leonard. Crime kidnapping

Existing law provides that kidnapping is punishable by imprisonment in the state prison for 3, 5, or 7 years.

This bill would increase the punishment for kidnapping to imprisonment in the state prison for 3, 5, or 8 years.

This bill would incorporate additional changes in Section 208 of the Penal Code, proposed by AB 606, to be operative only if this bill and AB 606, are both chaptered and become effective on or before January 1, 1986, and this bill is chaptered last

Ch. 192 (AB 967) Farr. State officers: alternates.

Existing law authorizes the Superintendent of Public Instruction, among other constitutional officers, to designate specified civil service exempt state employees to serve in his or her place and stead on state boards, commissions, committees, or other governing bodies of any state agency or authority of which the superintendent is a member. However, the superintendent may not appoint a person to act as a deputy for him or her at meetings of the State Board of Education, the Regents of the University of California, or the Trustees of the California State University.

This bill, in addition, would authorize the Superintendent of Public Instruction to 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 his or her statutory powers and duties of any of those bodies. However, the superintendent would not be entitled to appoint a person to act as a deputy for him or her at meetings of the State Board of Education, the Regents of the University of California, or the Trustees of the California State University.

Ch. 193 (AB 1725) Hauser Community Redevelopment Law.

(1) The existing Community Redevelopment Law provides that the territorial jurisdiction of the redevelopment agency of a county is the unincorporated territory in the county and that the territorial jurisdiction of the redevelopment agency of a city or city and county is the territory within the boundaries of the city or city and county.

This bill would, instead, specify that the territorial jurisdiction of the redevelopment agency of the county includes all of the unincorporated territory which was included in a project area even if that territory is subsequently annexed to a city or included within the boundaries of a new city, unless the territorial jurisdiction over the project area is transferred from the county to a city pursuant to procedures specified in the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement .

This bill would impose a state-mandated local program by requiring the redevelopment agency in a city to exercise territorial jurisdiction over part or all of a project area formerly under the territorial jurisdiction of the redevelopment agency in the county under certain circumstances, by requiring the redevelopment agency in the county to retain territorial jurisdiction over a project area under certain circumstances, and by requiring the county auditor to make adjustments in the allocation of tax increment revenues under certain circumstances The bill would require the city to agree to reimburse the county for all costs incurred by the county if the transfer of that jurisdiction is initiated by the city, as specified.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 194 (AB 1908) Elder. State employees· tax-deferred savings plans

Existing law authorizes the Department of Personnel Administration to establish a deferred compensation plan for state employees which provides for deferral of a portion of employee wages.

This bill would authorize the department to establish and administer tax-deferred savings plans in accordance with federal law The department would also be authorized to develop specifications and contract for administration as needed.

Ch 195 (SB 122) Seymour Cities, counties bridge and roadway construction fees

(1) Existing law prescribes procedures pursuant to which cities and counties are authorized to adopt an ordinance requiring the payment of fees as a condition to approving a subdivision map or issuing a building permit, to be used to defray the cost of constructing bridges and major thoroughfares

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This bill would permit the County of Orange and any city within that county to establish such a fee program by resolution, and would declare this authority to be declaratory of existing law

(2) Existing law permits the County of Orange and any city within that county to modify the method of apportioning fees among affected properties so as to reflect revised cost estimates or actual costs and changes in apportionment due to changes in land uses and other factors.

This bill would, instead, permit the governing body of the county or of any city within the county to subsequently modify in any respect a resolution previously adopted by the governing body, after public hearings, which contains a description of the boundaries of the areas of benefit, the actual or estimated costs of the project, and the method of fee apportionment. Modifications of the resolution would be required to be made in the same manner as adoption of the original resolution and would be subject to a prescribed protest procedure

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

Ch 196 (SB 295) Ayala. Bad checks punitive damages.

Existing law creates 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 written demand therefor delivered to the maker by certified mail.

This bill would authorize recovery of the costs of mailing the written demand for payment.

Ch 197 (SB 819) McCorquodale. Podiatry.

Existing law specifies the fees for a certificate to practice podiatric medicine.

The bill would provide that the various fees shall be the amount set forth in statute unless a lower fee is set by the Podiatry Examining Committee. This bill would increase the maximum amount of (1) the oral examination fee from $150 to $250, or the actual cost, whichever is lower, (2) the initial license fee from $300 to $525 until June 30, 1987, and to $450 thereafter, (3) the renewal fee from $300 to $525 until June 30, 1987 and to $450 thereafter, (4) the duplicate renewal receipt fee from $10 to $20, and (5) the endorsement fee from $10 to $20. The bill would also establish a fee for a letter of good standing.

The increased fees provided for in the bill would result in an increase of the moneys in the Podiatry Fund which is continuously appropriated Thus, the bill would constitute an appropriation.

Existing law does not authorize the Podiatry Examining Committee to contract with podiatrists as consultants.

This bill would authorize the committee to contract with podiatrists to assist the committee with its enforcement program

Existing law authorizes an applicant for a certificate to practice podiatric medicine to substitute, until January 1, 1986, a one-year preceptorship for a postgraduate podiatric surgical training requirement.

This bill would extend the date for that substitution to January 1, 1987.

The bill would take effect immediately as an urgency statute.

Ch. 198 (SB 432) McCorquodale. Devices. measuring devices and animal euthanasic devices.

Existing law does not explicitly authorize the Director of the Department of Food and Agriculture to issue rules and regulations for the purpose of assuring the accuracy of commercial measuring devices.

This bill would do so. This bill would also delete obsolete language from various provisions relating to animal euthanasic devices

Ch. 199 (AB 1183) Bader. Mobilehomes.

(1) Under existing laws relating to mobilehomes and manufactured housing, the Department of Housing and Community Development may not issue a dealer license to an applicant who does not have an established place of business

This bill would make the same prohibition apply to manufacturers and distributors The bill would also authorize the department to place the license of a manufacturer,

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distributor, or dealer temporarily on an inactive status

(2) Under existing laws, a demand for a hearing stays the invalidation of a temporary permit issued under the laws relating to manufactured homes and mobilehomes.

This bill would delete the stay of the invalidation.

(3) Under existing law, a new and previously unregistered manufactured home or mobilehome is not subject to registration if it is being used as an office, as specified.

This bill would delete that exemption and provide that a manufactured home, mobilehome, or commercial coach used as an office at an established place of business is subject to registration, unless it is installed on a specified foundation system.

(4) An existing statute makes violation of these changes in the law a misdemeanor, which is a state-mandated local program

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 200 (AB 263) Jones Franchise Tax Board.

(1) Existing property tax law requires the assessor to disclose information, furnish abstracts, or permit access to his or her records to designated state and local officials, entities, and agencies in prescribed circumstances

This bill would impose a state-mandated local program by requiring the assessor to provide information, abstracts, or access to records to employees of the Franchise Tax Board for tax administration purposes only, as specified

(2) Existing law generally provides that the Franchise Tax Board may not make any income tax refund exceeding $10,000 without the approval of the State Board of Control

This bill would raise this threshold amount to $50,000

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 201 (AB 405) Johnston Crimes.

(1) Under existing law, a person who obtains credit, food, or accommodations at certain establishments without paying and with intent to defraud, or by false pretense, or who absconds, or surreptitiously, or by force, menace or threats, removes his or her baggage without paying for the food or accommodations, is guilty of a misdemeanor.

This bill would provide that the obtaining of fuel or services without paying, as specified, would also be a misdemeanor. This bill also expands the list of establishments for which it would be a misdemeanor for a person to obtain credit, food, fuel, services, or accommodations, as specified, to include a marina and marine facility.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 202 (AB 593) D. Brown. Fish and Game Commission: regulations.

Under existing law, the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game, as the Legislature sees fit The Legislature has delegated to the commission until January 1, 1990, the general power to regulate in a specified manner, the taking or possession of fish, amphibia, birds, mammals, and reptiles for other than commercial purposes and, as specifically provided, for commercial purposes. The regulations made by the commission under that power are not subject to the general time periods for state agency regulations governing effective dates, times for notice prior to hearings, and times for filing of

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requests to make an oral presentation at a meeting. Existing law also specifies certain times and locations for hearings on proposed regulations by the commission. Existing law specifies that the regulations of the commission are effective at the time specified therein, but not sooner than 10 days after filing with the Secretary of State Other provisions of law require the regulations to be submitted to the Office of Administrative Law for filing with the Secretary of State, together with specified information relating to the regulation, including a summary of objections and comments and the changes, if any, made to accommodate them

This bill would permit the hearings which are prescribed to be held in Los Angeles to, alternatively, be held in Long Beach, as selected by the commission, and would change the time that the regulations take effect to be the time specified therein, but not sooner than on the date of filing with the Secretary of State.

Ch. 203 (AB 630) Kelley Deer license tags.

(1) Under existing statutory law, any person who violates any statutory provision relating to the issuance and use of deer license tags forfeits his or her deer license tags and no new deer license tags may be issued to him or her during the then current license year for hunting licenses. The Fish and Game Commission has adopted a regulation which prohibits any person who is convicted of a violation involving deer from applying for a deer license tag for the following license year.

This bill would require any person who is convicted of a violation of any provision of the Fish and Game Code, or any rule, regulation, or order made or adopted thereunder, relating to deer to forfeit his or her deer license tags and would provide that no new deer license tags may be issued to that person during the then current license year for hunting licenses. The bill would also prohibit that person from applying for deer license tags for the following license year.

(2) Under existing law, a violation of any provision of the Fish and Game Code or any rule, regulation, or order made thereunder is a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating a new misdemeanor

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 204 (AB 681) Tanner. Air pollution. toxic air contaminants

Existing law requires air pollution control districts and air quality management districts to propose regulations enacting airborne toxic control measures on nonvehicular sources not later than 120 days after their adoption by the State Air Resources Board and to adopt the regulations within 6 months after adoption by the state board. District new source review rules and regulations are required to control emissions of toxic air contaminants, except that processors of food and fiber operating 6 months or less in any calendar year are exempt until January 1, 1987

This bill would authorize a district board to adopt fees, in addition to any other authorized fees, to be assessed against permitted nonvehicular sources emitting toxic air contaminants which do not exceed the reasonable, anticipated cost for the district activities set forth above, as demonstrated by the board The bill would require a district that imposed the fee and could not demonstrate the reasonableness of the fee to reimburse that portion of the fee determined not to be reasonable.

Ch. 205 (AB 1168) Costa. California Housing Finance Agency: bond issuances.

(1) Existing law authorizes the California Housing Finance Agency to issue revenue bonds in an amount not exceeding $2,350,000,000 outstanding at any time, exclusive of indebtedness incurred to refund or renew bonds previously issued by the agency.

This bill would increase the limitation on outstanding bonded indebtedness by $600,000,000 to a total of $2,950,000,000, exclusive of indebtedness incurred to refund or renew bonds previously issued by the agency

(2) The bill would make other technical, nonsubstantive changes

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

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Ch. 206 (SB 1420) Bergeson Vehicle offenses driving and traffic violators schools.

Existing law authorizes the courts to order any person issued a notice to appear for a traffic violation to attend prescribed instruction at a school for traffic violators or a licensed driving school in lieu of adjudicating the charged traffic offense if the defendant consents The defendant selects the school he or she will attend, except in counties where any court (or the county on behalf of any court) has, prior to January 1, 1985, contracted for the provision of instruction to traffic offenders subject to pretrial diversion In these counties, the courts or the county are authorized to contract with an independent administrator to administer contracts with schools providing instruction to traffic violators referred by the courts

This bill would exempt a described county from state regulations relative to maximum classroom attendance with regard to schools providing instruction to traffic violators

The bill would take effect immediately as an urgency statute

Ch 207 (AB 884) Frizzelle PERS-ordinary disability retirement allowance earnings offset

The existing Public Employees' Retirement Law requires, when a retired member who has not obtained the minimum age for voluntary retirement engages in gainful occupation not in state service, offsetting, as specified, of the ordinary retirement allowance by the compensation earned

This bill would require recipients of ordinary disability allowances to furnish earnings information as requested by the Board of Administration to administer these provisions; require, if the recipient fails to furnish the requested information, discontinuance of the disability retirement pension until that information is furnished

This act would take effect immediately as an urgency statute

Ch 208 (AB 719) Campbell Income taxes designations rare and endangered species preservation program

Under the existing Personal Income Tax Law, for taxable years ending on or after December 31, 1983, taxpayers may 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 is created in the Fish and Game Preservation Fund, for specified purposes

This bill would change the designation on the form of the return to "Rare and Endangered Species Preservation Program." It would instead require the Controller to transfer those amounts to the Fish and Game Preservation Fund to be credited by the Department of Fish and Game to the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account, and would provide that all money transferred to that fund pursuant to these provisions is continuously appropriated to the Department of Fish and Game for specified purposes, and is subject to review by the budget committees of the Legislature It also would clarify the legislative intent to specify that these provisions create an additional funding for programs for endangered and rare animals and native plant species and that the funds be used to supplement, not supplant other funding sources for these programs.

This bill would take effect immediately as an urgency statute

Ch 209 (AB 589) Lancaster Building standards.

Existing law requires that any building standard adopted by state agencies be submitted to, and approved by, the State Building Standards Commission prior to codification

This bill would require the building standards to be adopted in compliance with specified provisions of the Administrative Procedure Act.

Under existing law, a regulation which is determined to be a building standard, becomes effective upon its codification in the triennial edition of the State Building Standards Code or one of its supplements

This bill would permit the building standard to be effective at a later date as approved by the Building Standards Commission The bill would specify that the provisions regulating the effective dates of building standards will not apply to time limits for approval of certain uniform codes and for certain changes by local agencies.

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Ch 210 (AB 1567) McClintock. Mobilehome parks.

(1) Under the existing Mobilehome Parks Act, numerous matters are regulated by the State Building Standards Code and the regulations adopted by the Department of Housing and Community Development.

This bill would delete many references to the State Building Standards Code, and provide that the subject matter shall be subject to the regulations of the Department of Housing and Community Development In some instances, the bill would retain regulation by the State Building Standards Code, and, in others, would make the code apply within permanent buildings, rather than within the mobilehome park as a whole.

(2) Under existing law, permits for mobilehome parks are issued annually, and persons violating the provisions relating to permits and fees are required to pay double fees, except that the fees for certain fees to operate are not included

This bill would delete the exception for fees to operate from the double fees and delete references to "annual" with respect to permits to operate.

(3) The bill would also make procedural changes in the laws relating to the placement of mobilehomes on permanent foundations

(4) This bill would incorporate the changes in Section 18551 of the Health and Safety Code proposed by SB 435, which will become effective only if both bills are enacted and this bill is enacted last

Ch. 211 (AB 1611) Cortese Sales and use tax records: disclosure

Existing law generally prohibits persons administering the Sales and Use Tax Law or the Bradley-Burns Uniform Local Sales and Use Tax Law from disclosing sales and use tax record information to other persons Among the specified exceptions to this prohibition, the State Board of Equalization is required to permit disclosure of this information to officers and employees of cities and counties for purposes related to the collection of local sales and use taxes which are imposed by the cities and counties and which are administered by the board pursuant to contract A city or county must request this disclosure by resolution of its legislative body.

This bill would broaden this exception to permit disclosure of these tax records to other persons who are under contract and meet other specified conditions, and who are designated in the resolution of the legislative body of the city or county which requests disclosure It would make it unlawful for those persons to retain that information after the person's contract with the county, city and county, or city has expired. It would further permit the officers and employees of the city or county and other persons designated by the resolution to use the tax records for purposes related to other governmental functions set forth in the resolution.

This bill would take effect immediately as an urgency statute

Ch. 212 (AB 2475) Seastrand. Armories. operation and maintenance.

Under existing law, revenues from the use of armories is paid to the Adjutant General for deposit in the General Fund. Existing law continuously appropriates this money to the Adjutant General for allocation for the maintenance, repair, improvement, and operating expenses of the armory from which the revenues were derived. Other provisions of law prohibit, on and after July 1, 1985, the encumbrance of any continuously appropriated fund unless the Legislature by statute permits the money in the fund to be encumbered.

This bill would create the Armory Discretionary Improvement Account in the General Fund and would direct the deposit of these armory revenues in this account. The bill would designate these armory revenues for the maintenance, repairs, improvements, and operating expenses necessary or desirable for increased or improved community utilization of the facilities of the armory from which the revenues were derived, when appropriated to the Adjutant General therefor

Ch. 213 (AB 296) Tanner Director of Health Services. laws regarding hazardous substances and waste.

Existing law assigns various functions and duties to the State Department of Health Services and the State Director of Health Services in the areas of public health and welfare.

This bill would require the department to annually compile and publish the laws relating to the use, handling, transportation, storage, and disposal of hazardous materials, as specified, together with laws relating to administration, enforcement, and emergency

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response, and to distribute this publication at cost

The bill would require the department to absorb the costs of preparing the compilation in the 1985–86 fiscal year and would state the intent of the Legislature to appropriate to the department revenues received from distribution of the compilation, commencing with the 1986–87 fiscal year, to cover the costs of compilation.

Ch 214 (AB 289) Papan. California State Lottery· funding.

(1) Existing law establishes a State Lottery Fund which is continuously appropriated to carry out the purposes of the California State Lottery Act. The fund consists of all proceeds from the sales of lottery tickets or shares, a temporary line of credit from the General Fund for initial startup costs, and all other moneys credited to the lottery from any other lottery-related source. No appropriations, loans, or other transfer of state funds may be made to the California State Lottery Commission except for the temporary line of credit

This bill would provide that moneys in the General Fund or any other state fund shall not be transferred to the State Lottery Fund or otherwise used to support the lottery or the California State Lottery Commission or to pay the debts, obligations, or encumbrances of the commission, except as provided by the California State Lottery Act.

(2) Existing law authorizes a temporary line of credit to be drawn upon the General Fund to the California State Lottery during the 12 months after the effective date of the California State Lottery Act of 1984.

This bill would authorize the credit during a period not to exceed 12 months beginning on the date of the initial appointment of the interim Director of the California State Lottery

The bill would take effect immediately as an urgency statute.

Ch 215 (AB 211) Hauser. Mental health

Under existing law, the state and each county share 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. 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, the county share of cost is waived, except for inpatient hospital services and state hospital services which are 10% county funds.

This bill would make the same provisions applicable in the 1985–86 and 1986–87 fiscal years

This bill would take effect immediately as an urgency statute.

Ch. 216 (AB 373) Frazee Small claims court.

Existing law with respect to small claims court authorizes a plaintiff incarcerated in a county jail, Department of Corrections facility, or a Youth Authority facility to waive personal appearance and submit written declarations to serve as evidence supporting his or her claim, or to allow another person, other than an attorney, to appear on his or her behalf

This bill would enact similar provisions with respect to a member of the United States armed forces on active duty who is assigned to a duty station outside of this state after his or her cause of action accrues, except where the assignment is for a definite period of less than 6 months, but would require a person presenting a claim on behalf of such a plaintiff to file an affidavit, as specified.

This bill would also provide that the defendant may file a claim in the same proceeding in an amount not to exceed the jurisdictional limit of the small claims court

Ch. 217 (AB 1368) Frizzelle. Public documents

(1) Under existing law, when cremated remains are buried at sea or removed for other disposition, a document must be filed with the local registrar in the county nearest the point where the remains were buried.

This bill would provide that, as to burial at sea and in other situations, a copy of the document shall be filed with the local registrar in the county nearest the point where the remains were buried and that in both cases another copy shall be returned to the office of issuance.

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(2) Under existing law, various public records may be destroyed if they have been microfilmed and various periods of time have elapsed, depending upon the type of record

This bill would permit the destruction of these records if they have been microfilmed and one year has elapsed in all cases

(3) Under a former provision of law, a local registrar of births and deaths was authorized to dispose of the local registrar's copies of records after one year from the date of registration, if the original copies of the records were on file in the office of the State Registrar and copies were on file in the office of the county recorder. This provision was repealed in 1980.

This bill would restore that authorization to local registrars

(4) Under existing law, county recorders and local registrars are required to submit a portion of various fees collected to the State Registrar

This bill would also require county clerks to submit a portion of certain fees to the State Registrar Administrative costs in carrying out this requirement would be a state-mandated local program Moreover, since violation of the new provisions would constitute crimes, this also would impose state-mandated local programs.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 218 (SB 302) Montoya. Accountancy volunteer accounting services

Existing law establishes the State Board of Accountancy within the Department of Consumer Affairs to regulate the profession of public accountancy.

This bill would authorize the board to enter into a contract with a nonprofit organization controlled by licensees of the board to provide volunteer accounting services, as specified, within the state The bill would require the board to solicit bids from proposed contractors for such services, and would require the contractor to report program results to the board quarterly and to the Legislature annually The bill would appropriate to the board, without regard to fiscal year, sufficient funds from the Accountancy Fund to execute the contract The provisions of the bill would be repealed on January 1, 1989, unless extended by later legislation

The bill would take effect immediately as an urgency statute

Ch 219 (SB 291) Montoya Educational observances. the Day of the Teacher

Existing law designates the Tuesday in the week designated by the Legislature or by the Governor as Public Schools Week, or the third Tuesday in April in the event that a Public Schools Week is not designated, as the Day of the Teacher

This bill would provide instead that the second Wednesday in May be designated the Day of the Teacher

Ch 220 (SB 475) Morgan Registered nurses. Board of Registered Nursing.

(1) Existing law provides that 4 members of the 9-member Board of Registered Nursing constitute a quorum for the transaction of business at any meeting

This bill would increase the number of members necessary to constitute a quorum from 4 to 5 members

(2) Existing law provides that any professional corporation rendering professional services by persons duly licensed by, among others, the Board of Medical Quality Assurance or the State Board of Pharmacy, shall not be required to obtain a certificate of registration in order to render those professional services

This bill would make those provisions applicable to professional corporations rendering professional services by persons licensed by the Board of Registered Nursing

Ch 221 (SB 1316) Marks. Grand juries: findings and recommendations.

(1) Under existing law, no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency is required to comment on the findings and recommendations and to place a copy of its comments on file with the clerk of the public agency Operative

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January 1, 1989, this duty is revised to require a board of supervisors to comment on findings and recommendations pertaining to county government matters under the control of the board, and to require every elective county officer to report to the board of supervisors on the findings and recommendations pertaining to that county officer, with copies of the comments and reports to be kept on file in the office of the county clerk.

This bill would amend both existing law and the provisions of law operative January 1, 1989, to require the mayor in a city and county to comment on the findings, and would require a copy of those comments to be kept on file in the county clerk's office or the mayor's office, when applicable, 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

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

Ch. 222 (SB 180) Montoya. Cosmetology

(1) Existing law exempts the branch of cosmetology as practiced in a barbershop from provisions which prohibit any person from conducting or operating a cosmetological establishment, school of cosmetology, or other place of business where the art of cosmetology or any of its branches are taught or practiced and from provisions which define a cosmetological establishment

This bill would delete those exemptions and would provide that a cosmetologist may practice cosmetology in a barbershop only if the barbershop is also licensed by the Board of Cosmetology as a cosmetological establishment and would provide that a barber may practice barbering in a cosmetological establishment only if the establishment is also licensed by the Board of Barber Examiners as a barbershop. A violation of these provisions would constitute a misdemeanor, thus the bill would impose a state-mandated local program by creating a new crime

(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 223 (SB 453) Robbins Liability real estate.

Under existing law, established by case law, a real estate broker representing a seller has a duty to conduct a reasonably competent and diligent inspection of residential property and to disclose to prospective buyers all material facts that the investigation would reveal

This bill would provide that it is the duty of a real estate broker to a prospective purchaser of residential real property to conduct a reasonably competent and diligent visual inspection of property offered for sale and to disclose to a prospective purchaser all facts materially affecting the value or desirability of the property, if the broker has a written contract with the seller to find a buyer or acts in cooperation with such a broker, as specified.

Existing law authorizes contracts of liability insurance

This bill would provide that insurers who provide professional liability insurance for real estate licensees shall not exclude coverage for liability arising from a breach of the above duty

Ch 224 (SB 456) Deddeh. Retail installment sales prejudgment interests.

Under existing law, any legal rate of interest stipulated by a contract remains chargeable after a breach of the contract until the contract is superseded by a verdict or other

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new obligation Existing provisions of the Unruh Act regulate finance charges payable under retail installment contracts subject to that act.

This bill would specify that the rate of the finance charges imposed under such a retail installment contract are to be deemed the legal rate of interest for the purpose of imposing interest after a breach of the contract under existing law.

Ch 225 (SB 569) L. Greene. Precinct board members

Existing law requires the county clerk to publish the list of names of the precinct board members appointed prior to an election and the polling places designated for each precinct.

This bill would provide that the list of names of precinct board members need not be published in precinct order at the discretion of the county clerk

Existing law requires the county clerk, by the time that the list of names of the precinct board members is published, to mail or deliver to the county central committee of each qualified political party a copy of the lists

This bill would provide instead that the clerk shall mail or deliver the list following the notification of the precinct board members appointed It would require the list to have the names of the precinct board members in precinct order, and would require the clerk to make a copy of the list available to any person requesting a copy, pursuant to specified procedures.

Existing law provides that in each county where the county clerk determines that the public interest, convenience, and necessity require the local publication of the list of the names of the precinct board members appointed and the polling places for each election precinct, publication shall be made according to specified provisions

This bill would provide that publication of the list of precinct board members appointed need not be in precinct order at the discretion of the county clerk

This bill would make conforming changes in related provisions of law and would revise the form used for posting the names of the election officers and polling places if there is no newspaper of general circulation published and circulated in the city

Ch. 226 (SB 936) Foran. Loans.

Existing law provides for the surrender and repossession of a motor vehicle on which a loan was secured by a lien on the vehicle through a licensed, supervised financial organization.

This bill would provide for the disposition after repossession or surrender of any motor vehicle through a loan obtained from licensees under the Personal Property Brokers Law or Consumer Finance Lenders Law and secured in whole or in part by a lien on the motor vehicle This bill would also provide for notice to the buyer as a prerequisite to liability for delinquency, for specified accounting of the disposition of the motor vehicle to the person liable on the contract, that any surplus shall be returned to the borrower within 45 days of the sale, and for the curing of the default which was a ground for the repossession or which occurred subsequent to the repossession

Existing law contained in the Personal Property Brokers Law and the Consumer Finance Lenders Law provides for, among other things, the maximum charges, excluding certain specified amounts, which may be assessed for a loan regulated by these provisions

This bill would provide that actual fees not exceeding $150 paid in connection with the repossession of a motor vehicle to licensed repossession agencies would not be considered charges for purposes of the Personal Property Brokers Law or Consumer Finance Lenders Law, as specified

Ch. 227 (SB 563) Carpenter. Consumer credit regulation of finance charges.

Existing law, known as the Unruh Act, prescribes in two sets of provisions, one operative until January 1, 1986, and the other operative on January 1, 1986, 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 provisions were to become operative to January 1, 1988

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Ch 228 (SB 354) Doolittle Apple maggot detection and eradication: appropriation.

(1) Existing law requires the Department of Food and Agriculture to take whatever actions are necessary in order to detect apple maggots, reduce the likelihood of further spread of the pest, and create a buffer zone in which small infestations of the pest are detected and eradicated

This bill would appropriate $600,000 to the department to carry out the above-stated duties and would require the department to report to the Chairpersons of the Assembly Committee on Agriculture and the Senate Committee on Agriculture and Water Resources, on or before January 1, 1986, on its efforts with regard to the pest

(2) Under a provision of the Budget Act of 1985, $2,000,000 of funds appropriated pursuant to that act are available for eradication of the apple maggot on the condition that an additional $600,000 is made available, as specified

This bill would state that the $600,000 appropriated in the bill meets the condition referred to above, thereby authorizing the department to expend the other funds

(3) The bill would require the Director of Food and Agriculture to report to the Chairperson of the Joint Legislative Budget Committee on whether it is possible to eradicate the apple maggot. The bill would require the report to be prepared and delivered as soon as possible and, in any event, not later than June 30, 1986.

(4) The bill would prohibit the expenditure during the 1985–86 fiscal year of any funds appropriated for eradication of the apple maggot any sooner than 30 days after notification to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house which considers appropriations regarding the proposed expenditure, as specified.

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

Ch 229 (SB 479) Beverly. Judicial appeals.

Existing law authorizes a public agency to bring an action in superior court to validate a matter relating to the agency, and provides that the judgment in that action is binding and conclusive, as specified The time for filing a notice of appeal to the Supreme Court and courts of appeal is generally prescribed by rules of court as 60 days after mailing or service of notice of entry of judgment or 180 days after entry of judgment, as specified

This bill would prohibit any appeal from a judgment in those actions to validate public agency matters, except upon notice filed within 60 days after the date of the notice of the entry or the entry of judgment, as specified.

Ch. 230 (AB 181) Filante. Motor vehicle inspection program

Existing law requires the Department of Consumer Affairs to develop and implement a motor vehicle inspection program in urban nonattainment areas The motor vehicle inspection program may, if the department makes specified findings, include advisory safety and fuel efficiency checks on the motor vehicle.

This bill would revise those provisions to instead authorize, if the department makes the specified findings, the inspection program to include advisory safety equipment maintenance checks, fuel efficiency checks, or both. The bill would exempt motor vehicles sold by licensed lessor-dealers and licensed dealers from advisory safety equipment maintenance checks

Ch 231 (SB 342) Robbins. Automobile insurance

Under existing law, a contract covering only defects in 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 to be insurance, as specified

This bill would expand that exclusion to include contracts which may include towing and substitute transportation

Ch 232 (SB 454) Ayala Colorado River Board executive director.

Under existing law, the Colorado River Board of California is required to appoint an executive secretary

This bill would change that title to executive director

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Ch. 233 (AB 438) Stirling Subdivision owners' associations: standing.

Existing law authorizes owners' associations established in condominium projects, community apartment projects, undivided interest subdivision projects, and planned developments to sue as the real party in interest for damages to the common areas of these subdivisions or other areas that the owners' association is obligated to maintain, preserve, or repair

This bill would instead authorize these owners' associations to institute, defend, settle, or intervene in any litigation, arbitration, mediation, or administrative proceedings in its own name, as the real party in interest and without joining with it the individual owners, in matters relating to (1) the enforcement of the governing documents of the common interest subdivision, (2) damage to the commonly owned lots, parcels, areas, or spaces, (3) damage to the individually owned lots, parcels, areas, or spaces which the owners' association is obligated to maintain or repair, and (4) damage to the individually owned lots, parcels, areas, or spaces which arises out of, or is integrally related to, damage to the commonly owned lots, parcels, areas, or spaces or to the individually owned lots, parcels, areas, or spaces which the association is obligated to maintain or repair.

This bill would incorporate certain changes proposed by this bill and AB 314 in Section 374 of the Code of Civil Procedure under specified conditions

Ch 234 (AB 409) Allen Fish and game: domesticated game breeding license: revocation

Under existing ~~law~~ [provisions of the Fish and Game Code]* , the Fish and Game Commission, in revoking a domesticated game breeding license, is required to conduct any hearing regarding that revocation in accordance with specified procedures relating to administrative adjudication hearings by the Office of Administrative Hearings.

This bill would ~~repeal~~ [delete reference to]* that requirement [in the above provisions]*.

Ch. 235 (AB 396) Bane Horseracing: harness racing: California Standardbred Sires Stakes Program

(1) Existing law authorizes the California Horse Racing Board to allocate, other than at the California Exposition and State Fair or county or district agricultural association fairs, up to 15 weeks per year of harness racing in the northern zone, up to 10 weeks per year of harness racing in the central zone, and up to 15 weeks of harness racing per year in the southern zone.

This bill would authorize the board to allocate during the 1985 calendar year, other than at the California Exposition and State Fair or county or district agricultural association fairs, up to 15 weeks in the northern zone and up to 25 weeks per year in the southern zone. These provisions would be repealed January 1, 1986

(2) Existing law requires the scheduling of certain California standardbred sires stakes races at each licensed harness racing meeting in the state.

This bill would instead require that these races be scheduled at the discretion of the California Standardbred Sires Stakes Committee.

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

Ch 236 (SB 578) Dills. Health care

Existing law excludes nonclerical employees of the State Personnel Board engaged in technical or analytical personnel functions from coverage under the State Employer-Employee Relations Act (SEERA), which governs employer-employee relations between the state employer and state civil service employees.

This bill would delete the exclusion for these employees, thereby making these employees subject to the SEERA, and would exclude professional employees of the Department of Finance engaged in technical or analytical state budget preparation other than the auditing staff from coverage under the SEERA

Existing law provides for a Child Care Fund to be used to fund pilot programs to identify alternatives of state financial participation in state employee nonprofit corporations formed by state employees to provide child care for dependents of state employees, and provides that the funding shall include cash grants and loans.

This bill would instead provide that the fund shall be used to encourage development of child care programs for dependent children of state employees, would specify that the programs may include financial assistance to aid in the development of child care centers administered by either nonprofit corporations formed by state employees or

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other child care providers, and would delete the authority to use the funds for loans.

Existing law includes specified classes of state employees as state safety members of the Public Employees' Retirement System.

This bill would, in addition, include employees with the classification of Vocational Instructor, Barber Shop Practices, Correctional Facility as state safety members of the Public Employees' Retirement System, to the extent permitted by federal law

Existing law specifies certain payments which are not considered compensation for purposes of the Public Employees' Retirement Law.

This bill would, in addition, exclude certain specified payments to members of 3 specified bargaining units from compensation for these purposes, until June 30, 1987.

This bill would also provide that the state employer may pick up all or a portion of the normal contributions required to be paid by a state employee who is a member of the State Teachers' Retirement System, through a salary reduction program pursuant to specified federal law

Existing law permits the Board of Administration of the Public Employees' Retirement System to contract with carriers pursuant to the Public Employees' Medical and Hospital Care Act for basic health benefits plans, comprehensive benefits plans, and major medical plans, or to approve basic health plans offered by employee organizations pursuant to specified conditions These contracts are subject to renegotiation each year.

This bill would require the board, prior to the approval of benefit and rate readjustments, to notify the Department of Personnel Administration of the changes in writing.

Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state employer and specified state employee organizations, and would specify that the provisions of any memorandum of understanding that requires the expenditure of funds shall become effective even if the memorandum of understanding is approved by the Legislature in legislation other than the annual Budget Act

This bill would also provide that any provision in a memorandum of understanding approved by this bill and which requires the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature.

This bill would take effect immediately as an urgency statute.

Ch. 237 (SB 95) Keene. Prisons.

Existing law authorizes the Department of Corrections to construct and establish minimum or medium security, or both, work-based prisons for 3600 prisoners, with 2 1200-bed facilities on the grounds of the California Medical Facility at Vacaville and a 1200-bed facility on state-owned property at Ione or at an abandoned military facility other than Camp Roberts.

This bill, instead, would provide that the Department of Corrections is authorized to construct and establish: 2 1200-bed minimum and medium security work-based prisons at the California Medical Facility at Vacaville, and 2 500-bed medium security prisons and a service facility of lesser security for up to 200 inmates on state-owned property in Ione, or specified property partially owned by the state at Ione, or at an abandoned military facility other than Camp Roberts.

Existing law does not provide for a state prison in Del Norte County.

This bill would require the Department of Corrections to study site suitability and the feasibility of constructing a prison in Del Norte County, in the vicinity of Crescent City, and to report its findings to the Legislature. The department would be required to hold public hearings The department also would be required to submit the results of its studies to specified committees for review and approval.

The bill would also authorize the department, subject to a specified provision of law and depending on the results of a feasibility study and committee approval, to construct a prison in Del Norte County, in the vicinity of Crescent City.

Existing law appropriates $1,500,000 from the 1984 Prison Construction Fund to the Department of Corrections for specified capital outlay This bill would revert $359,000

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of the unencumbered balance of that appropriation to that fund and would appropriate that sum to the department for site suitability studies, including those for Del Norte County, subject to a requirement that the Director of Corrections notify specified committees that other funds are unavailable.

The bill would take effect immediately as an urgency statute.

Ch 238 (AB 673) Jones. Health pilot projects

(1) Under existing law, the State Department of Health Services is authorized to continue a Medi-Cal pilot program comparing patient treatment profiles and prior authorization as controls of overutilization in Fresno County and other areas determined by the State Director of Health Services. Existing law requires the director to report to the Legislature on or before June 30, 1982, the results of the evaluation of this pilot project. Existing law prescribes that this pilot project is repealed June 30, 1985.

This bill would delete the director's authority to establish other areas for the project and would refer to continuing the program in Fresno and Madera Counties. It would require the report to be made on or before December 31, 1985, and would repeal the program June 30, 1987

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

Ch. 239 (AB 683) Bradley Public Works Contracts· Employees.

Existing law contains provisions relating to wages and working conditions for employees of public works contractors

Existing law includes township in the definition of the term political subdivision, for purposes of these public works provisions. However, no provision is made under current law for the erection or existence of townships.

This bill would remove township from the definition of a political subdivision for purposes of these public works provisions

Ch 240 (AB 660) Lewis. California water district bonds

Under existing law, as a general matter, no bond issue of any district may be approved for certification by the Treasurer which, together with any other outstanding bonds and bonds authorized but not issued of the district, exceeds 60% of the aggregate value of the property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district and the reasonable value of the land within the district. Existing law makes that limitation inapplicable to bond issues of the Santa Margarita Water District which are secured by a policy of debt service insurance or other credit enhancement acceptable to the Treasurer.

This bill would include within that provision the Irvine Ranch Water District or any of their respective improvement districts.

The bill would take effect immediately as an urgency statute.

Ch 241 (SB 98) Rosenthal. Workers' compensation chiropractors.

Existing law provides that if an employee entitled to workers' compensation so requests, the employer shall provide the employee with one change of physicians, or if requested by the employee, with a chiropractor.

This bill would provide that if an employee requesting a change of physicians has notified the employer in writing prior to the date of the injury that he or she has a personal chiropractor, as defined, the alternative physician provided, if requested by the employee, shall be the employee's personal chiropractor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended

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or repealed by a later enacted bill.

Ch. 242 (SB 813) Deddeh. State members of PERS: state's employers' contribution rates.

The existing Public Employees' Retirement Law presently prescribes the state's employers' rates of contribution for fiscal year 1984–85 for the various categories of state members, requires the Board of Administration, pursuant to specified actuarial valuations, to adjust those rates from time to time, and appropriates the contributions monthly to the fund.

This bill would state the statutory state's employers' rates of contribution for fiscal year 1985–86 at specified rates.

This act would take effect immediately as an urgency statute.

Ch. 243 (SB 1417) Bergeson. Borrego Water District: flood control.

Under existing law, the Borrego Water District, a district organized under the California Water District Law, is authorized by special law to exercise the powers of a mosquito abatement district or vector control district for the purpose of providing mosquito abatement and vector control services to the lands and inhabitants of the district and may, for that purpose, levy charges and establish zones of benefit.

This bill would authorize the district to provide specified flood control services, in addition to mosquito abatement and vector control services, and to exercise specified powers in that connection. The bill would authorize the district to conduct technical investigations and to prepare analyses, studies, and reports pertaining to specified matters and, for that purpose, to enter upon any lands within or without the district.

The bill would make legislative findings and declarations.

Ch. 244 (SB 1278) Deddeh. Under the influence evidence records.

Under existing law, penalties for convictions of the offense of driving when under the influence of an alcoholic beverage, drugs, or both, with an excessive blood alcohol concentration, or when addicted, are enhanced if there are one or more specified separate offenses resulting in convictions. In charging a violation of those driving offenses, a court is required to obtain a copy of the driving record of the person charged from the Department of Motor Vehicles to determine if separate violations have occurred within 5 years of the charged offense.

This bill would authorize the court to obtain, and accept as rebuttable evidence, a printout from the department of the driving record of the person charged, maintained by electronic and storage media pursuant to designated provisions, for the purpose of proving those separate violations.

Ch. 245 (SB 1117) Foran. Vehicle registration: heavy use tax.

Existing law requires the Department of Motor Vehicles to refuse to register a vehicle or to transfer or renew registration if the application contains a false statement, the fee is unpaid, or the registration would violate vehicular air pollution requirements.

This bill would additionally require the department to refuse to register a vehicle, or transfer or renew the registration of a vehicle, subject to the federal heavy vehicle use tax, as specified, if the owner of the vehicle does not present certain evidence concerning compliance with the statutory provision imposing the tax. This provision would become operative when the Secretary of the Treasury prescribes the forms to be used for the proof of payment of the tax.

Ch. 246 (AB 117) Frazee. Community redevelopment.

Under existing law, there are no provisions requiring community redevelopment agencies to reimburse counties for services counties perform for the agencies.

This bill would permit a county to require a community redevelopment agency, which is not otherwise making specified payments to the county, to reimburse the county for any expenses incurred by the county for performing certain specified services for a redevelopment agency relating to the allocation of tax increment funds when a final redevelopment plan for a project area is adopted, or a final redevelopment plan for a boundary change is adopted, on or after January 1, 1986.

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Ch 247 (AB 143) Mountjoy. Local public entities payment of interest on security deposits.

Existing law permits local public entities to require persons to furnish security in various forms to guarantee the performance of an act or agreement

This bill would require all local public entities, as defined, which require any person, on or after January 1, 1986, to furnish a security in the form of cash or a cashier's check made payable to the local public entity to guarantee the performance of any act or agreement related to a construction project, and which invest that cash or the proceeds of that check, to pay interest on that security at a specified rate, if the security is held by the local public entity for more than 30 days

This bill would specify that its provisions are a matter of statewide interest and concern and that the Legislature intends to occupy the field of this regulation

Ch 248 (SB 102) Maddy Wire-core wicked candles

Existing provisions of law make it unlawful to sell at retail any wire-core wicked candles, as defined

This bill would repeal those provisions.

Ch 249 (SB 103) Montoya Subdivisions: vested rights

Chapter 1113 of the Statutes of 1984 enacted provisions which enable subdividers to file with a city or county a map, defined as a "vesting tentative subdivision map," which, if approved by the city or county, confers a right to proceed with development Chapter 1113 requires cities and counties, on or before January 1, 1986, to establish procedures, by ordinance or resolution, necessary to implement those provisions, and authorized the cities and counties to charge a fee to subdividers who file a vesting tentative map to recover the direct costs of establishing and adopting those procedures

This bill would, in addition, impose a state-mandated local program by requiring cities and counties to adopt the appropriate implementing ordinances and resolutions within 120 days of receiving a written request to do so and upon payment of a fee by the person making the request The bill would authorize the county to reimburse the person making the request and paying the fee from amounts collected from subdividers filing vesting tentative maps The bill would vest in any such city or county, and any person affected by such an ordinance or resolution, all of the rights, powers, and duties accorded by Chapter 1113 as if all of the provisions enacted by that chapter were operative upon the effective date of the ordinance or resolution

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 250 (SB 135) Presley Family violence centers

Existing law provides for the funding of domestic violence prevention programs through the deposit of a portion of marriage license fees into a county's domestic violence programs special fund

This bill would establish a Family Violence Prevention Program in the Office of Criminal Justice Planning and require the executive director of that office to allocate funds to local family violence prevention centers, as specified

The bill would express the intent of the Legislature that, of the amount appropriated by the Budget Act of 1985 from the General Fund for local assistance for the Office of Criminal Justice Planning for the 1985–86 fiscal year, $200,000 shall be expended for the purposes of the act.

The bill would take effect immediately as an urgency statute

Ch. 251 (SB 224) Beverly. 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 or on the facilities or vehicles of entities subsidized by the Department of Transportation is an infraction

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punishable by a fine not to exceed $50 or by prescribed community service

This bill would increase the maximum fine from $50 to $250.

Ch. 252 (SB 381) Dills State military service personnel: disability benefits.

Under existing law, members of the state military forces who are wounded, injured, disabled, or killed on state active duty in the line of duty are eligible for workers' compensation benefits

This bill would provide that a member wounded, injured, or disabled on active duty in the line of duty remains on state active duty for 26 weeks from the date of wounding, injury, or disability, regardless of the date of expiration of the period of state active duty, unless the member becomes entitled to disability compensation from any other public or a private employer, is able to return to his or her regular civilian employment, or requests an earlier release from active duty If none of these events has happened, the member would become entitled to workers' compensation following this 26-week period.

Ch 253 (SB 631) Montoya. Contractors: automatic fire extinguishing systems: exemption from regulation.

Existing law, known as the Contractors' State License Law, provides for the licensure and regulation of specialty contractors, which are defined as contractors whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts

This bill would revise the definition of a specialty contractor to include a contractor who holds a valid fire protection contractor's license whose operations include the business of servicing or testing fire extinguishing systems. This specialty contractor would be exempt from existing law which provides, with specified exceptions, that no person shall engage in the business of servicing or testing automatic fire extinguishing systems without a license issued by the State Fire Marshal.

Ch 254 (SB 691) Stiern. Governmental agencies: fees.

(1) Under existing law, whenever a judgment is recovered by a public agency, either as plaintiff or petitioner or as defendant or respondent in any action or proceeding with respect to which the public agency is exempt by law from the payment of filing fees and other specified fees, the clerk entering the judgment is required to include as part of the 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 the exemption. From the judgment recovered, the public agency is required to remit the amounts which would have been payable as fees but from which it was otherwise exempt.

This bill would impose a state-mandated local program by extending the application of the existing procedure to fees for certifying and preparing transcripts, if the court, in its discretion, orders those fees to be paid.

The bill would expressly limit the prescribed procedure to actions or proceedings in which the judgment is recovered by a public agency

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Ch. 255 (SB 815) Deddeh Public retirement systems: benefits.

The existing Legislators' Retirement Law does not authorize revision of optional settlements after payment of the retirement allowance commences.

This bill would authorize a retired member who was a Member of the Senate or

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Assembly to revoke an optional settlement and designate a different beneficiary to receive an optional settlement allowance based upon the actuarial equivalent, as of the date of the election, of the retired members' retirement allowance

A provision of the existing Public Employees' Retirement Law provides that when, on date of death, no beneficiary designation is in effect, any benefit payable shall be paid to the survivors in the following order (1) the member's spouse, (2) the member's children; and (3) the member's parents.

This bill would add as the fourth category of payees. the member's brothers and sisters.

A provision of the PERL provides that when any benefit is payable to the estate of a deceased person and the estate would not otherwise be probated, the benefit shall, instead, be paid directly, as specified, without probate, to the surviving next of kin in a specified order.

This bill would repeal that section.

Ch. 256 (SB 1014) Doolittle Pesticides. regulations: hearings

Under existing law, the Director of Food and Agriculture is required to designate restricted materials which require a permit from the county agricultural commissioner to be used. Existing law also requires the director, until January 1, 1987, at which date the requirement will be modified, to adopt regulations which govern the possession and use of restricted materials, as specified. Existing law also requires the director to designate a list of exempt materials Each of these provisions requires that the director conduct an investigation and hearing before taking action Under existing law relating to the adoption of regulations by a state agency, the agency is required to hold a public hearing prior to the adoption of regulations, other than emergency regulations, if an interested person so requests

This bill would delete the requirement that the director conduct an investigation and hearing prior to taking an action relating to restricted or exempt materials, as stated above, leaving the general requirements applicable to state agencies adopting regulations in effect.

Ch 257 (AB 1037) Hannigan. Transient occupancy taxes.

Under existing law, the legislative body of any city or county may levy a tax on the privilege of occupying a room or rooms in a hotel, inn, tourist home or house, motel, or other lodging unless the occupancy is for any period of more than 30 days

This bill would provide that for purposes of that law the term "the privilege of occupying a room or rooms in a hotel, inn, tourist home or house, motel, or other lodging" does not include the right of an owner of a timeshare estate, as defined, in a room or rooms in a timeshare project, or the guest of that owner, as defined, to occupy the room, rooms, or other real property in which the owner retains the timeshare estate.

The bill would specify that those provisions shall not apply to the authority of any city or county to collect a transient occupancy tax from timeshare projects which were in existence as of May 1, 1985, and which timeshare projects were then subject to such a tax imposed by an ordinance duly enacted prior to that date pursuant to those provisions It also would specify that this bill shall not in any way affect any litigation pending on or prior to December 31, 1985.

Ch 258 (SB 464) Vuich. Bees

(1) Existing law provides a system of apiary inspection and disease control in which inspection of bee hives is carried out by apiary inspectors who are either under the jurisdiction of the Director of Food and Agriculture or the county agricultural commissioner. If an inspector finds American foulbrood disease has infected more than 2 hives of 99 bee colonies or less, or 2% or more of colonies of 100 or more, the inspector is required to make a complete inspection of all hives in the apiary, and the owner pays the cost of this inspection However, under existing law, until January 1, 1987, if an inspector finds American foulbrood disease has infected less than 2% of bee colonies of 100 or more as the result of an inspection made after the disease was brought to the inspector's attention in writing, the commissioner may assess the costs of the inspection on the person who brought the disease to the inspector's attention

This bill would repeal all of the above provisions on January 1, 1987, as well as the authority of the commissioner to assess the cost of an inspection that reveals an infection

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in less than 2% of bee colonies of 100 or more on the person who reported the disease.

(2) Existing law prescribes the abatement process for American foulbrood disease and includes burning the contents of the diseased colonies

This bill would require that the burning be supervised by the apiary inspector pursuant to applicable air pollution regulations and fire control laws, as specified

(3) Existing law, until January 1, 1986, requires the beekeeper, apiary owner, apiary operator, or the person in possession of any apiary of 40 or more colonies to pay a maximum assessment of 35¢ per colony. After January 1, 1986, this assessment would be replaced by an assessment based on a sliding scale of colonies owned or operated

This bill would extend the 35¢ assessment to January 1, 1989, and would repeal all the assessment provisions on that date

(4) Existing law, until January 1, 1986, requires each beekeeper, apiary owner, apiary operator, or person in possession of an apiary to pay an annual registration fee of $10 to the commissioner to cover the cost of apiary registration

This bill would extend the registration fee to January 1, 1989.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

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

Ch. 259 (SB 462) Rosenthal Pharmacy

Existing law exempts from the Pharmacy Law a physician and surgeon or podiatrist who furnishes his or her own patients with remedies, as specified.

This bill would revise that exemption by requiring the physician or podiatrist to comply with the same labeling, recordkeeping, and packaging requirements that are imposed upon pharmacists The bill would provide that the Board of Medical Quality Assurance and the Board of Osteopathic Examiners shall have authority with the Board of Pharmacy to ensure compliance with the provisions

This bill would impose a state-mandated local program by creating or revising a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 260 (SB 576) Mello Criminal law insanity

Existing law relating to the disposition of persons who have been found to be insane at the time of the commission of a crime authorizes the release of those persons on outpatient status, as specified. A provision of that law authorizing release of those persons on outpatient status contains a cross-reference to provisions relating to cases in which persons are detained pending a hearing to determine whether sanity is restored

This bill would change that cross-reference to, instead, refer to persons who have been placed in community treatment after a court determination that they are no longer dangerous The bill would also make a nonsubstantive change in those provisions relative to the disposition of persons found to be insane

Ch 261 (SB 68) Deddeh State Teachers' Retirement System· early retirement

Existing State Teachers' Retirement Law (a) provides that the retirement allowance of members who retire prior to age 60 shall be reduced pursuant to a specified schedule, (b) permits, in provisions that would be repealed on July 1, 1985, school districts and other employing agencies to elect to provide for a lesser reduction in allowance for certain members who retire between ages 55 and 60 if the members have 30 years of credited service and retire on and after June 1, 1979, and requires the employer to pay the present value of the increased benefits to the system, as specified, and (c) permits, in provisions that would be repealed on January 1, 1986, members who are community college employees with 25 years of credited service to retire with reduced allowances as early as age 50 after July 1, 1982, if their employers elect to be subject to that provision

This bill would (1) continue the authorization in item (b) above, by extending the

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inoperative date from July 1, 1985, to July 1, 1988, and would repeal it as of January 1, 1989, and would express legislative intent that if this bill is not enacted by July 1, 1985, these provisions shall be construed as becoming operative on July 1, 1985; and (2) continue the authorization in item (c) above, by extending the inoperative date from January 1, 1986, to January 1, 1989, and would repeal it as of January 1, 1989.

The continuation by item (1) above of the authorization in item (b) above would impose state-reimbursable state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would take effect immediately as an urgency statute.

Ch. 262 (SB 605) Dills. Public contracts: relief of bidders.

General provisions of the Public Contract Code provide that a bidder in a public contract shall not be relieved of a bid unless by consent of the awarding authority, nor shall any change be made in the bid because of mistake, but the bidder may bring an action against the public entity in a court of competent jurisdiction, as specified. These provisions do not apply to contracts awarded pursuant to the State Contract Act or the California State University Contract Law.

This bill would repeal the above exceptions and, in addition, would provide that if an awarding authority for the state consents to relieve a bidder of a bid because of mistake, the authority shall prepare a report in writing to document the facts establishing the existence of each element, as specified The report shall be available for inspection as a public record and shall be filed with the State Board of Control; except that in the case of the University of California or a California State University the report shall be filed with the regents and the trustees, respectively.

Other provisions of the Public Contract Code governing contracting by state agencies and the Trustees of the California State University provide for relief of bidders due to mistake which include, among other things, the filing of a bond, limitations concerning complaints and action dismissals, the basis of recovery, and prohibitions against further bidding on a project

This bill would repeal the above provisions

Ch. 263 (SB 283) Montoya Health care providers

Existing law does not specifically authorize health care providers to offer third party payors discounts for reimbursement made within time deadlines established by the provider.

This bill would do so and would define a health care provider for those purposes.

Ch. 264 (SB 134) Dills. Redevelopment: powers.

Section 16 of Article XVI of the California Constitution empowers the Legislature to authorize a redevelopment plan to provide for a division of property tax revenues within a redevelopment project area, with a prescribed portion of those tax revenues to be allocated to the redevelopment agency to repay indebtedness incurred by the redevelopment agency to finance or refinance the redevelopment project. This method of financing redevelopment is commonly known as "tax-increment financing" and is presently authorized by the Community Redevelopment Law.

Present law contains a special authorization, applicable only to the redevelopment agency of the City of Paramount, authorizing that redevelopment agency to use tax-increment revenues to finance specified public improvements, either inside or outside a redevelopment project area, that the agency determines will enhance the environment of a residential neighborhood containing low- and moderate-income housing and

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will be of benefit to the redevelopment project area from which the tax-increment revenues are derived. This special authorization will be repealed January 1, 1986, unless extended by the Legislature, but any prior pledge of revenues pursuant thereto would not be affected by that repeal.

This bill would extend that special authorization until January 1, 1991

Ch. 265 (AB 738) Baker Crimes: misdemeanors

(1) Existing law authorizes reduction of specified misdemeanors to infractions by a judge or prosecutor, specifies the maximum penalty for these infractions, and prohibits specified action in consequence of a conviction therefor However, these authorizations remain operative only until January 1, 1986, and as of that date would be repealed

This bill would delete the provision which currently would repeal the statute authorizing the above reduction in charge and would increase the number of specified misdemeanors which may be reduced to infractions by a judge or prosecutor, as specified

(2) Under existing law, a conviction for certain infractions shall not be grounds for the suspension, revocation, or denial of any license or for the revocation of probation or parole.

This bill would exempt from the application of the above provision a conviction of driving when that privilege is revoked or suspended and the conviction is based upon failure to appear.

Ch. 266 (AB 1252) Leonard State employees.

Existing law authorizes the Governor to make up to 6 awards annually to state employees or groups of state employees who distinguish themselves by outstanding service to the state.

This bill would remove the limit on the number of these awards and would recast the language.

Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state employer and specified state employee organizations, and would specify that the provisions of any memorandum of understanding that requires the expenditure of funds shall become effective even if the memorandum of understanding is approved by the Legislature in legislation other than the annual Budget Act

This bill would also provide that any provision in a memorandum of understanding approved by this bill and which requires the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature.

This bill would take effect immediately as an urgency statute

Ch. 267 (AB 838) O'Connell Alcoholic beverage.

Existing law prohibits the sale of intoxicating liquors within a certain distance of specified universities, colleges, and institutions.

This bill would provide an exception from those provisions for the sale of wine for consumption off the premises when sold at a bona fide eating place by the holder of an on-sale general license or an on-sale beer and wine license

Ch. 268 (SB 187) Ayala. Groundwater storage facilities

Under existing law, the Department of Water Resources is authorized to construct and operate specified water development facilities as part of a state water project

This bill would authorize as part of the project, subject to specified conditions, facilities south of the Sacramento-San Joaquin Delta for utilizing groundwater [storage]* space

Ch. 269 (SB 168) Stiern. Adoption: fees

Under existing law, persons petitioning for adoption in cases where the child has been placed for adoption by a licensed county adoption agency or the State Department of Social Services may be required to pay a fee of $500 to the State Department of Social Services, as specified, which may be deferred, waived, or reduced in specified circum-

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stances.

This bill would also authorize the deferment, waiver, or reduction of the fee when the child has been in the foster care of the adoptive parents for at least one year

Ch. 270 (SB 616) Seymour. Equity sellers and foreclosure consultants

(1) Existing law prescribes misdemeanor penalties for specified unlawful practices of persons who acquire title to residences in foreclosure and who are subject to regulatory provisions on home equity sales contracts.

This bill would revise these penalties to make the offense, in the discretion of the sentencing court, alternatively punishable as a felony

(2) Existing law prohibits certain practices of mortgage foreclosure consultants. Violation is punishable by not more than 6 months in the county jail, by a fine not exceeding $1,000, or both.

This bill would impose a state-mandated local program by revising these penalties to make the offenses punishable by a fine not exceeding $10,000, imprisonment in the county jail not exceeding one year or in the state prison for 16 months, 2 years or 3 years, or by both that fine and imprisonment

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 271 (SB 742) Carpenter State military service. retirement.

Under existing law, a commissioned or warrant officer or enlisted person may apply for retirement after 20 years in the active service of the state. Existing law also authorizes an increase of one grade or rank within one year of retirement and, in the case of enlisted persons, specifically authorizes one who held the highest enlisted rank on retirement to be promoted to the lowest commissioned grade Existing law specifies that this promotion does not serve to increase retired pay.

This bill would revise these provisions to make technical changes and specify that this advancement in grade or rank is honorary, and would delete the specific authorization to promote an enlisted person of the highest rank to the lowest commissioned grade for these purposes. The bill would direct the Adjutant General to adopt regulations governing the application procedure, qualifications required, and rights and privileges in connection with honorary post-retirement promotions The bill would provide that an officer or enlisted person recalled to state or federal active service after retirement would return to duty in the grade or rank specified by applicable federal law or regulations.

Ch 272 (SB 371) Royce. Apprenticeship.

Existing law requires the California Apprenticeship Council to foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment, to ensure that selection procedures are impartially administered to all applicants for apprenticeship, to gather and promptly disseminate information through apprenticeship and training information centers, and to maintain on public file in all high schools and field offices of the Employment Development Department the name and location of the local area apprenticeship committees, the filing date, and minimum requirements for application of all registered apprenticeship programs

This bill would instead require the Chief of the Division of Apprenticeship Standards, or his or her duly authorized representative, to perform these functions.

Existing law provides that the function of a joint apprenticeship committee is to work in an advisory capacity with employers and employees in matters regarding apprentice working conditions in accordance with standards for apprenticeship set up by the California Apprenticeship Council, except as specific written authority is delegated to the joint apprenticeship committee by the parent organizations represented

This bill would instead provide that the function of a joint apprenticeship committee, when specific written authority is delegated by the parent organization represented, is to establish work processes, wage rates, apprentice working conditions, the number of

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apprentices in a trade, and aid in the adjustment of apprenticeship disputes in accordance with standards for apprenticeship set up by the California Apprenticeship Council.

Ch 273 (SB 415) Seymour. Independent living centers

Existing law provides that the Department of Rehabilitation shall provide funds to independent living centers, in order to provide services to disabled persons.

Existing law contains a formula for the distribution to independent living centers of state incentive funds. One element of that formula provides that specified state incentive funds, not previously distributed under the funding formula, may be acquired by an independent living center which has private contributions unmatched by state funds, except that no independent living center shall receive an amount greater than the total of the remaining incentive funds divided by the number of independent living centers having unmatched private contributions.

This bill would instead provide, with respect to this element of the funding formula, that each center with remaining unmatched private contributions shall be allowed to match remaining incentive funds in an amount equal to the total remaining incentive funds divided by the number of centers with remaining private contributions. Subsequent distributions would be made pursuant to this provision and would be repeated as many times as is necessary to allocate incentive funds to the greatest extent possible

Existing law contains various provisions for reports on independent living centers which were to be submitted during 1980

This bill would repeal these provisions.

This bill would take effect immediately as an urgency statute.

Ch. 274 (SB 319) Foran. Vehicles: noise limits

Existing law prohibits the initial registration of new motor vehicles exceeding specified noise limits and specifies that a noise limit of 83 dbA applies to a motor vehicle with a gross vehicle weight rating of over 10,000 pounds manufactured after 1981 and before 1986 and that a noise limit of 80 dbA applies to motor vehicles of the same weight rating manufactured after 1985.

This bill would extend the date of manufacture to before 1988 for motor vehicles with a gross vehicle weight rating of over 10,000 pounds for which the 83 dbA applies and would extend the manufacture's date to after 1987 for these motor vehicles for which the 80 dbA will apply.

Ch. 275 (AB 1101) Harris Credit services organizations: claims procedures

Existing provisions of the Credit Services Act of 1984 require credit services organizations, as defined, to file a prescribed bond with the Secretary of State, or alternatively establish a prescribed trust account, in favor of the State of California for the benefit of persons damaged by violation of that act. Existing provisions of general law also permit a deposit with the Secretary of State of cash or specified securities in lieu of the bond.

This bill would prescribe on administrative procedure for processing claims upon such deposits. Under the bill claims processed in 240-day periods would be aggregated and paid pro rata if the deposits are not sufficient to cover the claims This bill would exempt the deposit from attachment, garnishment, or execution, except as to moneys that would otherwise be returned to the credit services organization

Ch 276 (AB 1169) Costa Migratory birds: habitat improvement projects state duck stamp

Under existing law, funds deposited in the State Duck Stamp Account are required to be used for projects approved by the Fish and Game Commission for the purpose of protecting, preserving, restoring, enhancing, and developing migratory waterfowl breeding and wintering habitat The commission is required to allocate specified amounts collected from each duck stamp sold to projects in Canada and California, as specified.

This bill would also authorize the funds in the account to be used for evaluating approved projects, as specified, and the costs of the evaluation would be required to be included in the allocation to projects in Canada and California as specified, thereby making an appropriation

The bill would also exempt waterfowl habitat improvement projects on property

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owned by the state for which the commission approves the use of funds from the provisions of the Public Contract Code applicable generally to contracting by state agencies The bill would authorize the commission, subject to the approval of the state agency in control of the property, to enter into contracts with nonprofit organizations for the accomplishment of the projects or to approve funds to reimburse the controlling agency for its costs of accomplishing the projects.

Ch. 277 (AB 2369) Condit. Marking of ballots

Existing law provides that when a voter declares under oath given at the polling place that the voter is unable to mark a ballot, the voter shall receive the assistance of not more than 2 persons selected by the voter. It requires the persons assisting the voter in marking the ballot to take a specified oath before assisting the voter

This bill would exclude from those persons who may be selected by the voter to provide assistance, the voter's employer, an agent of the voter's employer, and an officer or agent of the union of which the voter is a member It would amend accordingly the oath required of persons assisting the voter in marking the ballot.

Ch. 278 (AB 2205) Konnyu Fair Employment and Housing Commission

Existing law provides for the Fair Employment and Housing Commission to administer the Fair Employment and Housing Act, which provides for various unlawful practices in the areas of housing and employment

Existing law also provides that 3 members of the commission shall constitute a quorum for purposes of conducting the commission's business

This bill would instead provide that 4 members shall constitute a quorum for purposes of conducting the commission's business.

Existing law further provides that commission members shall serve without compensation, except for reimbursement for expenses in the amount of $50 per day for each day in which a member is performing his or her duties for the commission.

This bill would increase this reimbursement rate to $100 per day

The bill would appropriate the sum of $14,000 from the General Fund to the Fair Employment and Housing Commission in order to implement the bill.

Ch. 279 (AB 1503) Leonard. Twentynine Palms Water District.

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 Twentynine Palms Water District only, increase that limit to $30 per acre per year or $30 per year for a parcel less than an acre

Ch 280 (SB 954) Dills. Alcoholic beverages.

Existing law does not authorize hotels or motels to sell alcoholic beverages from locked cabinets or similar devices

This bill would authorize a hotel or motel which has a license to sell alcoholic beverages to sell those beverages to its registered guests by means of a controlled access alcoholic beverage cabinet, as defined, under prescribed conditions. The bill would require the hotel or motel to also have an off-sale general license if distilled spirits are sold from those cabinets

Ch 281 (SB 535) Watson Criminal law· domestic violence.

Existing law authorizes the issuance of a stay-away order in a criminal case involving domestic violence where, with notice to the defendant and upon an affidavit, a likelihood of harrassment of the victim by the defendant has been demonstrated to the satisfaction of the court.

This bill would repeal the above provision. It also would make a technical change.

The act would take effect immediately as an urgency statute

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Ch. 282 (SB 230) Dills. Housing

Under existing law, the Department of Housing and Community Development is required to make an annual report to the State Building Standards Commission on the modifications and changes made by cities and counties to the building standards published in the State Building Standards Code and other regulations of the commission. This requirement is scheduled to be repealed January 1, 1986.

This bill would delete the language providing for the repeal of the above-described requirement, which will cause the requirement to exist indefinitely until repealed.

Ch 283 (AB 2423) Eaves. Rape

Existing law describes rape as, among other things, an act of sexual intercourse with a person not the spouse of the perpetrator where a person is incapable, because of mental disease, defect, or disorder or because of physical disability, of giving consent, and this is known or reasonably should be known to the person committing the act.

This bill would specify that the victim must be incapable, because of the specified mental or physical disabilities, of giving legal consent, rather than merely consent

Ch 284 (AB 1967) N Waters Cosumnes River Water and Power Authority

Under existing law, the Cosumnes River Water and Power Authority operates under a joint powers agreement for the purpose of developing water and power in the Cosumnes River Basin.

The bill would require that the requirements of the authority for the letting of contracts for the erection, construction, alteration, repair, or replacement of any public improvement of any kind be those requirements applicable to a county water district organized under the County Water District Law. The bill would make legislative findings and declarations in this connection

Ch 285 (AB 2302) Wright Family law

Existing law provides that a judgment, order, or decree for the payment of child or spousal support may be enforced by a writ of execution without prior court approval for amounts that are not more than 10 years overdue on the date of the application for the writ. The application for the writ must be accompanied by a specified affadavit, a copy of which the levying officer is required to serve on the judgment debtor, as specified.

This bill would provide that the copy of the affidavit must be served only where the law relating to the enforcement of judgments requires the writ of execution to be served on the judgment debtor.

Ch 286 (SB 373) McCorquodale. Subdivisions: park dedication.

(1) Existing provisions of the Subdivision Map Act permit the legislative body of a city or county to require the dedication of land, the payment of fees, or both, for neighborhood park or recreational purposes, as a condition to approval of a subdivision map "Planned developments" and "real estate developments," as defined, are eligible to receive a credit, as determined ~~on~~ [by]* the legislative body, against the amount of land to be dedicated or fees to be paid, for the value of private open space within the development which is usable for active recreational uses.

This bill would extend the eligibility for such credit to community apartment projects, condominium projects, and stock cooperatives, all of which are presently excluded from the definition of a "planned development " The bill would impose a state-mandated local program by requiring local agencies to determine the value of private open space within a stock cooperative, community apartment, or condominium project, and to determine the amount of credit for which the project is eligible

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

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Ch. 287 (SB 326) Deddeh Environmental quality· archaeological resources.

(1) Existing law requires, until January 1, 1986, that a lead agency, as part of determining whether an environmental impact report or a negative declaration is required for a discretionary project that may have a significant effect on the environment, determine whether the project may have a significant effect on archaeological resources Existing law also requires that any environmental impact report prepared on the project consider unique archaeological resources, as defined, and not consider nonunique archaeological resources, as defined, and requires a negative declaration to be issued if it would otherwise be issued, but for the issue of nonunique archaeological resources Existing law also requires the project applicant to guarantee to pay one-half of the estimated cost of mitigating the significant effects on unique resources, subject to specified limitations as to the amount to be paid

This bill would extend the termination date of the above-stated provisions to January 1, 1994, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 288 (AB 835) Johnson. Refunds of accumulated PERS employees' contributions: interest

The existing Public Employees' Retirement Law excludes from the definition of "accumulated contributions," for refund purposes, all interest creditable after the preceding June 30

This bill would repeal that exclusion and, instead, require refunds to include current year interest through the filing date

Ch 289 (SB 21) Ellis Peace officers· marshals

(1) Existing law requires specified peace officers to meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation.

This bill would add marshals and deputy marshals to the list of peace officers required to have such training, thereby imposing a state-mandated local program.

This bill would state that it is the intent of the Legislature that peace officer members of the marshal's office also meet the first aid and cardiopulmonary resuscitation standards prescribed by the Emergency Medical Services Authority, as part of the selection and training standards for marshals and deputy marshals established by the Commission on Peace Officer Training and Standards However, if a marshal's office chooses not to comply with the optional selection and training standards of the commission, it would not be required to meet the first aid and cardiopulmonary resuscitation standards prescribed by the Emergency Medical Services Authority Marshals' offices which do comply with the optional selection and training standards of the commission would be reimbursed for the cost of the first aid and cardiopulmonary resuscitation training from the Peace Officers' Training Fund in accordance with commission regulations The bill would make an appropriation by authorizing new expenditures from the Peace Officers' Training Fund, which is a continuously appropriated fund

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 290 (SB 289) Maddy Controlled substances

Existing law includes destromoramide, etoxendine, ditenoxin, methyldesorphine, nicorphine, 3,4-methyenedixoy amphetamine, and dizepam among controlled substances subject to the California Uniform Controlled Substances Act

This bill would revise these references

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Ch 291 (SB 64) Boatwright. Minors.

Existing law generally requires that minors taken into custody by a peace officer or probation officer be released or brought before a juvenile court judge or referee within a specified period In addition, in misdemeanor cases, a requirement of disposition within 48 hours or no later than the next judicial day after the minor is taken into custody is imposed, except as specified

This bill would revise the provisions relating to misdemeanors to limit their application to minors who are not currently on probation or parole and who are taken into custody on the basis of the commission of misdemeanors not involving violence, the threat of violence, or possession or use of a weapon

Existing law provides that when a minor is held in custody by a probation officer for more than 6 hours, and is released and no petition is filed, the probation officer is required to prepare a written explanation of why the minor was held in custody for more than 6 hours.

This bill would require that explanation to be prepared if the minor is held for more than 24 hours, rather than 6 hours

Ch. 292 (SB 577) Mello Pajaro Valley Water Management Agency

(1) Under existing law, the Pajaro Valley Water Management Agency may impose charges upon landowners within the agency not to exceed $5 per acre per year for each acre of land

This bill would permit a charge of $5 per year per acre or for each parcel of land less than one acre.

(2) Under existing law, the amount of unpaid charges plus penalties may be added to the tax levied annually upon the land subject to the charge

This bill would authorize the agency 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

(3) 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 exercise assessment and taxation authority for the fiscal year commencing on the following July 1

This bill would provide that, notwithstanding the filing deadline, the formation of the Pajaro Valley Water Management Agency pursuant to the Pajaro Valley Water Management Agency Act is effective for assessment and taxation purposes if the required filing is made prior to July 31, 1985

The bill would impose a state-mandated local program upon the counties in which the agency is located by requiring them to collect on their tax bills charges imposed by the agency.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons

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

Ch. 293 (SB 835) Marks. Community colleges

Existing law permits members of the State Teachers' Retirement System to receive an additional 2 years of service credit, under specified conditions, one of which is that the Chancellor of the California Community Colleges, as to a community college district, has certified that the net effect of the action will result in no costs to the State Teachers' Retirement System or to the district.

This bill would instead require the district to make the certification to the chancellor

Existing law permits a community college district to enter into a lease or agreement with a city, county, or city and county for the joint occupancy, or a private education institution for its sole occupancy, of the real property and buildings of the district, if the occupancy of the school buildings and grounds does not occur during normal school hours when the school is in session

This bill would remove that condition

Under existing law, the county auditor of each county is required to provide specified tax revenue calculations, by specific dates, to the Chancellor of the California Community Colleges.

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This bill would, instead, require the county auditor to provide the information to the chancellor by November 15 only.

Existing law requires the base revenues for each community college district to be adjusted for changes in average daily attendance, subject to specified limitations, according to a specified procedure.

This bill would revise the adjustment procedure for the 1984–85 fiscal year

The bill would take effect immediately as an urgency statute.

Ch 294 (SB 1006) Dills. Schools. payroll-related payments.

(1) Existing law prescribes the method under which payments to companies providing tax-sheltered annuities for employees of school districts, community college districts, and offices of county superintendents of schools may be provided. Existing law requires the county superintendent of schools, upon receiving allowed warrants for these payments from the county auditor, as prescribed, to transmit them to banks designated by the county superintendent, and specifies that these disbursing banks shall disburse these payments, with necessary information for disbursements, within a reasonable time, not to exceed 5 working days.

This bill would expand these provisions to include savings and loan asssociations, and to encompass custodial accounts, individual retirement accounts, credit union deductions, insurance plan payments, deferred compensation, withholding taxes, professional dues, and other payroll-related deductions or employer contributions. The bill would authorize the county superintendent of schools to directly prepare the information and checks for these purposes, and disburse them to recipients entitled to them

The bill would create a state-mandated local program by imposing new procedural and administrative duties upon county superintendents of schools, school districts, and community college districts in an existing optional program, thereby imposing new duties upon those entities which had previously opted to participate

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any 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 bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Ch. 295 (SB 836) Marks. Community colleges.

(1) Existing law authorizes the governing board of a community college district to delegate to a designated officer or employee of the district the authority to make purchases, as specified, except that no ~~such~~ [delegated]* purchase may involve an expenditure of $10,000 or more.

This bill would increase that expenditure limit to $20,000

(2) Existing law directs the Board of Governors of the California Community Colleges, with the approval of the Department of Finance, to determine 2 census weeks for each term of the regular academic year, and a single census week for summer sessions. The board is further required to establish a drop date for reporting students in active attendance, to be no later than the day prior to the beginning of the second census week in regular academic terms.

This bill would delete these provisions, and instead direct the governing board of each community college district to determine 2 census weeks for each primary term of the academic year, and 2 census days for regularly scheduled courses not scheduled coterminous with a primary term. This bill would also require each governing board to determine a drop date no later than the day prior to the beginning of each census week or to each census day.

(3) ~~Existing law directs the board of governors to develop and review factors reflect/~~

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~~ing the relationship of actual attendance to contact hours of enrollment for the census week or weeks~~

~~This bill would repeal that requirement.~~

~~(4)~~* Existing law directs the Chancellor of the California Community Colleges to permit increases in the funded average daily attendance of community college districts pursuant to specified factors

This bill would include, as a relevant factor, new or underutilized physical capacity for student enrollment

~~(5)~~ [(4)]* Existing law permits community college districts to operate under a flexible calendar schedule, as specified, and defines a multiplier factor for use in calculating adjusted units of average daily attendance that reflect the conduct of staff, student, and instructional improvement activities in lieu of scheduled instruction during flexible time

This bill would provide that, as to courses that are scheduled coterminous with a community college's primary term, this multiplier factor would be equal to the maximum term length multipliers established for those courses by existing law

~~(6)~~ [(5)]* Existing law directs the Controller of this state to annually compile and publish reports of the financial transactions of each county, city, and school district.

This bill would incorporate within this provision a definition of school district that excludes community college districts

~~(7)~~ [(6)]* 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, including the California State University or the University of California, is subject to punishment, as specified

This bill would specifically include the California Community Colleges within the meaning of "public school" for this purpose

~~(8)~~ [(7)]* The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making the reimbursement, including the creation of a State Mandates Claims Fund to pay the costs or mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by requiring the governing boards of community college districts to determine census weeks and drop days for each academic term

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

~~(9)~~ [(8)]* This bill would provide that, notwithstanding Section 2231 5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch 296 (SB 379) Ellis Sanctions for bad-faith judicial actions

Existing law authorizes a trial court to require a party, the party's attorney, or both to pay any reasonable expenses incurred by another party as a result of tactics or actions not based on good faith which are frivolous or cause unnecessary delay, as specified. Existing law also provides separate actions for abuse of judicial process and malicious prosecution

This bill would revise the above provisions for award of expenses by making these provisions applicable to bad-faith tactics or actions which are intended to cause unnecessary delay or are employed solely to harass an opposing party or are totally and completely without merit, rather than tactics or actions which cause unnecessary delay The bill would define "actions and tactics" to include, but not be limited to, the making or opposing of motions and the filing and service of a complaint or cross-complaint "Actions and tactics" would not include the mere filing of a complaint without service upon an opposing party

Ch. 297 (SB 595) Dills. Financial institutions

Existing law provides for the licensing, in this state, of personal property brokers, consumer finance lenders, and commercial finance lenders under the jurisdiction of the

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Commissioner of Corporations

This bill would authorize licensure of those entities for a business location outside this state subject to specified conditions.

Existing law provides that, except for charges on scheduled balances with respect to loan contracts payable in substantially equal and consecutive monthly installments of principal and charges combined, no charges on loans made under the Personal Property Brokers Law or the Consumer Finance Lenders Law shall be paid, deducted, or received in advance, or compounded

This bill would exempt from the prohibition against the advance payment, deduction, receipt, or compounding of charges on loans, specified administrative fees and unpaid interest accrued on a prior loan, as specified

The bill would also make various technical and clarifying changes with respect to provisions applicable to industrial loan companies, personal property brokers, consumer finance lenders, and commercial finance lenders

Ch. 298 (SB 810) Deddeh State Teachers' Retirement System

The existing State Teachers' Retirement Law (STRL) does not authorize the system, when, in the refunding of contributions, the amount due to, or owed by, the former member is $10 or less, to dispense with the disbursement or collection of that amount.

This bill would add such an authorization

The existing STRL requires that if the estate is the beneficiary and the estate would otherwise not have to be probated, the payment of all of the amount due from the system shall be made directly, without probate, to the survivors, in the manner that separate property would be distributed pursuant to specified provisions of the Probate Code relating to intestate succession

This bill would revise that provision, to provide instead for distribution to specified categories of surviving relatives

Ch. 299 (SB 814) Deddeh Optional settlement for PERS retired members

The existing Public Employees' Retirement System Law authorizes a retired member who chose no optional settlement or optional settlement one at retirement to elect for a lesser lifetime allowance and name his or her spouse, as defined, as beneficiary under one of the optional settlements The election would be irrevocable and must be made within one year after the person who is designated as beneficiary becomes a spouse, as defined, or by July 1, 1983

This bill would delete from the definition of spouse, the requirement that the spouse be married to the retired member at least one year prior to the designation as beneficiary

Ch 300 (SB 837) Stiern Payment of claims against the state Grady v County of Los Angeles.

This bill would appropriate the sum of $269,000 from the General Fund to the Attorney General to pay the settlement of the claim of the plaintiff against the State of California in the case of Grady v County of Los Angeles The bill would require that payment of the claim be in accordance with the terms of the settlement reached by the plaintiff, the defendant State of California, and the defendant County of Los Angeles

The bill would take effect immediately as an urgency statute

Ch 301 (SB 1288) McCorquodale County charters

Existing law provides that proceedings to enact or revise a county charter may be initiated by ordinance or by petition of the voters

Existing law requires the county clerk, within 20 days after the filing of a petition, to ascertain whether it is signed by the requisite number of voters

This bill would extend that time period to 30 days

Existing law requires that the proposed or revised charter be submitted to the electors at a special election or at the next established election date not less than 74 days after presentation of the petition, submission of the proposal, or the completion of publication, as specified

This bill would extend that time period to 88 days

The bill would make other technical changes

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Ch. 302 (SB 425) McCorquodale. Juvenile court law.

Under existing law, counsel is required to be appointed for a minor alleged to be a person who may be declared a dependent child of the juvenile court on the basis that his or her home is an unfit place by reason of neglect, cruelty, depravity, or physical abuse by either of his or her parents or any other person in whose custody or care he or she is. The court is authorized to appoint the district attorney to represent the minor, as specified.

This bill would authorize the appointment of the county counsel, if there is no conflict of interest between the county and the minor, or the district attorney, as specified.

Existing law requires the development of a permanent plan for a minor taken from the physical custody of his or her parents or guardian with regard to whom there is not a substantive probability that he or she will be returned within 6 months. Certain determinations and orders are required to be made on the basis of whether the court finds that the minor is adoptable or unadoptable.

This bill would change the basis for the determinations and orders of the court to a finding of whether it is likely or not likely that the minor can or will be adopted

Ch. 303 (SB 231) Lockyer Family law.

Existing law provides that no party to a proceeding involving child or spousal support may refuse to submit copies of his or her state income tax returns to the court, whether individual or joint.

This bill would provide that the tax returns may be examined by the other party and are discoverable by the other party. It also would authorize the examination of a party by the other party as to the contents of the tax return so submitted The bill also would provide for the retention of the tax return as a confidential record of the court under specified circumstances

Ch. 304 (AB 543) Clute. Coroners.

(1) Existing law prohibits the making of a copy, reproduction, or facsimile of any photograph, negative, or print of the body or portion of the body of a deceased person taken in the course of a coroner's autopsy or postmortem examination.

This bill would include instant photographs and video tapes of the body or portion of the body of a deceased person and would extend the prohibition to photographs taken by or on behalf of the coroner at the scene of death.

(2) Existing law requires the coroner to investigate deaths occurring under specified circumstances. The law also requires a physician, funeral director, or other person to notify the coroner of deaths occurring under specified circumstances. Existing law also requires any person having possession of remains for purposes of interment, where the cause of death is one which the coroner is required to investigate, to deliver the remains to the coroner, upon demand.

This bill would require any funeral director, physician, or other person having charge of a body, when death occurred as a result of causes or circumstances which the coroner is required to investigate, to immediately notify the coroner, and would make it a misdemeanor to fail to do so.

The bill would authorize a coroner to exhume the body of a deceased person when necessary to discharge his or her responsibilities of investigating deaths occurring under specified circumstances.

(3) Existing law requires the coroner to immediately notify specified law enforcement authorities in cases in which a person has suddenly died under circumstances affording a reasonable ground to suspect that death was occasioned by the act of another by criminal means The notification is required to be made by telephone or written report.

This bill would make the provision applicable to circumstances in which death did not occur suddenly, and would permit the coroner's notification of law enforcement authorities to be made by the most direct communication available.

(4) Existing law prohibits a body from being disturbed or moved from the position or place of death without permission of the coroner or the coroner's deputy, in cases in which death occurred under circumstances which the coroner is required to investigate

This bill would make the violation of this prohibition a misdemeanor.

(5) Existing law authorizes the coroner to lock the premises at the scene of a death occurring under circumstances which the coroner is required to investigate

This bill would make the entering of the premises or the tampering or removing of

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any lock or seal a misdemeanor.

The bill would also make it a misdemeanor for any person to search for or remove papers, moneys, or weapons constituting the estate of the deceased, from the person of the deceased, or from the premises, prior to arrival of the coroner or without permission of the coroner.

(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.

By expanding the notification requirements to include deaths other than those which occurred suddenly, the bill would enlarge the duties of the coroner and would thereby impose a state-mandated local program

This bill would impose a state-mandated local program by imposing criminal sanctions on specified activities, thereby increasing the cost of law enforcement services provided by local 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.

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. 305 (AB 2563) La Follette. Wildlife Waystation: grant.

Existing law does not provide for a grant to the Wildlife Waystation, a nonprofit organization in Los Angeles County.

This bill would declare that the wildlife compound operated by the Wildlife Waystation serves a statewide public purpose and would appropriate $300,000 from the California Environmental License Plate Fund to the Department of Fish and Game for a grant, on specified conditions, to that organization for making improvements necessary to protect the health and safety of the wild animals temporarily located at the waystation, as specified The bill would also authorize the Director of Fish and Game to review the financial records of the Wildlife Waystation to the extent necessary to effectuate a specified purpose

The bill would take effect immediately as an urgency statute.

Ch. 306 (AB 2054) Rogers. Housing authorities.

Existing law imposes various powers, duties, and responsibilities upon housing authorities.

This bill would authorize housing authorities to implement a housing finance program in accordance with specified requirements

Ch 307 (AB 810) Mojonnier. Counties and cities.

(1) Existing law prescribes procedures for the adoption of a county budget, and authorizes a board of supervisors to designate a county official to approve transfers and revisions within an item of appropriation.

This bill would additionally authorize the board of supervisors of a county with a population of 500,000 or more, by resolution, to approve the addition of fixed assets to those identified in the budget, and to designate a county official to approve additions not exceeding $2,500 per purchase to budgeted fixed assets.

(2) Numerous statutory provisions specify conditions under which the records, documents, and other papers of a city or county may be destroyed or otherwise disposed of.

This bill would permit the clerk of a city council or of a board of supervisors to destroy or otherwise dispose of any paper or document filed with or submitted to the legislative body more than one year previously, unless the legislative body determines that there is a need for its retention, or unless a longer retention period is otherwise required by law

The bill would also permit the clerk of a county board of supervisors to destroy any

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assessment appeals applications and claims against the county or against special districts governed by the board of supervisors which have been retained for at least 5 years after final action, as defined, on the application or claim.

Ch. 308 (AB 31) Mojonnier. Criminal procedure: preliminary examinations.

Existing law requires a preliminary examination to be completed at one session or the complaint must be dismissed, unless the magistrate postpones it for good cause shown by affidavit.

This bill would specifically authorize a magistrate to postpone a preliminary examination in order to accommodate the special physical, mental, or emotional needs of a child witness who is 10 years of age or younger The bill would also require the magistrate to admonish the prosecution and defense against coaching a child witness in those cases prior to the witness' next appearance in the preliminary examination

Ch. 309 (AB 370) Jones Minor: testimony. video tape.

Existing law provides that when a defendant has been charged with designated sex crimes, where the victim is a person 15 years of age or less, the victim's testimony at the preliminary hearing may be video taped, as specified, may be made available to specified persons, and may be admitted as evidence at trial when the court determines that the victim is unavailable, as specified. The video tape is subject to a protective court order to protect the privacy of the victim.

This bill would provide that when the video tape testimony is made available to those specified persons, it is subject to a protective court order to protect the privacy of the victim.

Ch. 310 (AB 591) Rogers. Storm water districts.

Under existing law, districts organized under the Storm Water District Act of 1909 are governed by 3 trustees who hold office for a term of 2 years. Trustees receive compensation in an amount not to exceed $50 per day for specified services.

This bill would increase the term of office to 4 years and provide for related matters The bill would increase the maximum permissible compensation for trustees to $100 per day

This bill would authorize a district to increase the number of trustees to 5, in accordance with prescribed procedures. The bill would permit a district to thereafter abolish the additional officers by unanimous vote of the trustees.

Ch 311 (AB 1092) Wright. Weapons: seizure of firearms.

Existing law provides that a sheriff, undersheriff, deputy sheriff, or police officer, who is at the scene of an incident of domestic violence, as defined, involving a threat to human life or a physical assault, may temporarily take custody of any firearm, as defined, in plain sight or discovered pursuant to a consensual search and give the owner or possessor a receipt therefor Existing law also provides for the return of firearms to their owners and for the sale and destruction of firearms under specified circumstances.

This bill would add members of the University of California and California State University Police Departments, as defined, to the list of peace officers authorized to take custody of firearms at the scene of an incident of domestic violence.

Ch. 312 (AB 2375) Felando. Parking violations: removal of vehicles.

(1) Under existing law, the private owner of an offstreet parking facility [open to the public]* may designate certain parking spaces for handicapped persons and, by complying with specified sign requirements, cause the removal at the owner's expense of cars parking in violation.

This bill would make similar provisions for a private owner of an offstreet parking facility not open to the public and posted as such.

(2) Under existing law, the owner or person in charge of private property, other than a single-family dwelling, may request the police or sheriff to remove a vehicle parked on the property if there is at every entrance to the property a sign of a size specified by ordinance prohibiting public parking, indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency For property containing a single-family dwelling, there is no sign requirement.

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This bill would [specify the size of the sign and the lettering thereon, and would]* permit these signs to also indicate that a citation may also be issued for the violation.

(3) The bill would make other related and conforming changes.

Ch. 313 (AB 2507) Mojonnier Criminal law: sexual assault on minors

Existing law provides various penalties for sexual crimes against children.

This bill would provide that in any case in which a defendant is convicted of sexual assault on a minor, as defined, and the defendant is eligible for probation, the court, as a condition of probation, may order him or her to make restitution for the costs of medical or psychological treatment incurred by the victim as a result of the assault, as specified

Ch 314 (AB 106) Herger Water districts hydroelectric power.

(1) Under existing law, the Chowchilla Water District, the La Branza Water District, the Rock Creek Water District, and the Tea Pot Dome Water District are authorized, pursuant to specified provisions, to construct, maintain, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof, in a manner consistent with the district's storage, transmission, and distribution of irrigation water.

This bill would authorize the Biggs-West Gridley Water District, the Butte Water District, and the Sutter Extension Water District to exercise those powers in connection with the generation of hydroelectric power on the Thermolito Afterbay of the Oroville Dam Project, and would make related legislative findings and declarations

The bill would also expressly provide that the power to construct, operate, and maintain works to develop hydroelectric energy pursuant to these provisions does not include the acquisition of property already employed in the generation of hydroelectric energy for public utility purposes, except by mutual agreement between the district and the owner of that property

The foregoing provisions would not become operative if SB 245 is enacted.

(2) Existing law expressly authorizes and prescribes procedures for public agencies, as defined, to develop energy conservation, cogeneration, and alternate energy sources at the facilities of the public agencies.

This bill would authorize the Yuba County Water Agency to develop hydroelectric alternate energy supply sources under 75 megawatts in accordance with those provisions.

Ch 315 (AB 1562) Herger. Public cemetery districts.

(1) Under the law as it formerly existed, the trustees of a public cemetery district were authorized to create an endowment care fund Legislation enacted in 1984 required the creation of an endowment care fund on or before July 1, 1985

This bill would delete obsolete language with respect to endowment care funds of public cemetery districts stating "if one exists," since one is now required to exist

(2) Under existing law, the board of trustees of a public cemetery district is required to file a report on its financial transactions as soon after the first day of July in each year as practicable with the board or boards of supervisors of the county or counties in which the district is located. The trustees are also required to file on or before the first day of July with the board or boards of supervisors an annual itemized report of the receipts and expenditures from the district's endowment care fund.

This bill would delete the language relating to the fact that these reports are "annual" and would provide that the report on a district's endowment care fund shall be included in the district's report on its financial transactions made as soon after the first day of July as practicable.

(3) Under existing law, a board of supervisors may require a public cemetery district to file a verified copy of the audit report of the annual audit of the district in lieu of the report on the district's financial transactions.

This bill would provide that the copy of the audit report shall be filed in lieu of both the report on the district's financial transactions and the report on the district's endowment care fund It would also provide that the copy of the audit report shall be filed as soon after the first day of July as is practicable.

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Ch 316 (AB 634) Hannigan. Property taxation.

Existing law, enacted in Chapter 988 of the Statutes of 1984, revised the procedure for a county to enforce its tax liens on real property when taxes due are unpaid. Among other things, it substituted "tax-defaulted property" for previous references to "tax-sold property" and "tax-deeded property" and revised various related provisions dealing with procedures governing the enforcement of tax-defaulted property

This bill would change obsolete references to "tax-sold property" and "tax-deeded property" to "tax-defaulted property," and would make additional conforming changes in various additional provisions dealing with procedures governing the enforcement of tax-defaulted property

The bill would also validate acts and proceedings taken by local taxing agencies and revenue districts relating to specified actions concerning the budgets, tax rates, and taxes of the agencies and districts and related matters.

Ch. 317 (AB 388) Hauser. Crimes. child abuse

Existing law provides for the taking of skeletal X-rays to diagnose possible child abuse, and provides for medical care of persons taken into temporary custody under the juvenile court law.

This bill would authorize a peace officer to apply to a magistrate for authority to take X-rays without parental consent in a child abuse investigation, and would authorize the county to charge the parent or legal guardian of the minor-victim the costs incurred by the county for the X-rays undertaken by a coroner or taken at the request of a coroner It would prohibit reimbursement by a county for any administrative costs that exceed 5% of the cost of the X-ray

Ch 318 (AB 343) Clute. Schools pupils: suspension and expulsion

Existing law prescribes the causes for which pupils may be suspended from school or recommended for expulsion, including, among other causes, a finding that a pupil has stolen or attempted to steal school property or private property

This bill would authorize the suspension or recommendation for expulsion of a pupil for having knowingly received stolen school property or private property

Ch 319 (AB 2366) Condit Municipal elections.

Existing law provides that if, by 5 p.m. on the 63rd day before a municipal election to fill any vacancy in office or prior to the day fixed for a regularly scheduled municipal election, no one or only one person has been nominated for any office which is elected on a citywide basis, from or by a legislative district, or for any elective office to be filled at that election, as specified, the city clerk shall submit a certificate of these facts to the governing body of the city and inform the governing body that it may adopt one of the specified courses of action, including holding the election if either no one or only one person has been nominated Under current law, the city clerk shall publish a notice of the facts described and the courses of action available. After the publication, existing law provides that the governing body of the city may make the appointment or direct an election to be held.

This bill would provide, instead, that after the 10th day following the date of publication, the governing body of the city may make the appointment or direct an election to be held.

Existing law provides that if the governing body of a city makes an appointment to an elective office under circumstances specified by law, the city clerk shall not accept for filing any statement of write-in candidacy which is submitted after a specified time and date.

This bill would provide that the clerk shall not accept a statement of write-in candidacy which is submitted after the appointment is made.

Ch. 320 (AB 1088) Cortese Cities and counties limited obligation bonds.

Existing law authorizes and prescribes procedures for cities and counties to issue general obligation bonds and revenue bonds for funding specified projects

Additionally, existing law authorizes cities to issue limited obligation bonds, secured solely by the proceeds of sales and use taxes.

This bill would repeal those provisions and authorize and prescribe procedures for cities and counties to issue limited obligation bonds secured by any revenues received by a city or county from any source, including ad valorem property taxes levied by, or allocated to, the city or county, and the proceeds of sales and use taxes, which are

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designated by the legislative body as "pledged revenue" for purposes of retiring the bonds. The bill would require that a proposition for approval of the bonds be submitted to, and approved by, ⅔ of the voters who voted on the proposition, and would specify the maximum rate of interest which could be paid on the bonds

Ch. 321 (AB 439) Stirling Owners association: reduction of vote requirement.

Existing law does not provide a specific judicial procedure for the reduction of the percentage of affirmative votes necessary to amend the declaration of a common interest subdivision.

This bill would provide that procedure Specifically, upon the filing of a petition, it would authorize a superior court in any county where the subdivision is located to order the percentage reduction of the votes necessary to amend a declaration if the court makes specified findings. The bill would not, however, authorize reductions of vote requirements of over 50% with respect to associations with more than a one-class voting structure, unless such change is approved by a majority in each affected class The bill would not authorize changes that would impair the security interest of a mortgagee or beneficiary under a trust deed if the subdivision's declaration gives voting rights thereto, unless the mortgagees and beneficiaries have approved the change by the vote percentage specified in the declaration The bill would not authorize any change that would eliminate any special rights, preferences, or privileges accorded to declarants, as defined, by the declaration without the consent of the declarant An amendment approved by a court under the bill would not be effective until the court order and amendment are recorded in each county where any portion of the subdivision is located. The association would be required to mail a copy of the amendment to each member of the association and a statement that the amendment has been recorded.

This bill would not become operative if AB 314 is enacted and becomes effective on or before January 1, 1986, as specified.

Ch 322 (AB 338) Hannigan. California Maritime Academy.

Under existing law, fees collected by the California Maritime Academy are required to be reported to the Controller at the end of each month and remitted to the Treasurer for deposit in the General Fund, and appropriated for the support of the school

This bill would require the chief fiscal officer of the California Maritime Academy to deposit into and maintain in specified trust accounts or in the California Maritime Academy Trust Fund in the State Treasury, moneys received in connection with specified sources or purposes. These funds would be continuously appropriated to the school and may be invested, upon approval of the California Maritime Academy Board of Governors, in certain eligible securities, as specified.

Under existing law, the board is authorized to withdraw funds, not exceeding $30,000, out of any appropriation made for the support of the school, without at the time furnishing vouchers and itemized statements, to be paid to the commanding officer of the vessel used by the school to provide for the payment of expenses of cruises. Existing law also requires the commanding officer to give a bond of $30,000 for the proper disbursement of and accounting for the advances

This bill would increase these amounts to $50,000.

Ch. 323 (AB 275) W. Brown. Controlled substances.

Existing law prohibits the manufacture and other related acts, and any offer to manufacture or to do those other acts, as to various controlled substances, except as specified. Violation is punishable by 3, 4, or 5 years in state prison

This bill would provide punishment of 3, 5, or 7 years in state prison for the manufacture or other related acts as to those controlled substances

The bill would prohibit the granting of probation except where the interests of justice would best be served, for those offenses, except as specified.

The bill would express certain legislative findings and declarations relative to the effect of certain prior legislation.

The bill would take effect immediately as an urgency statute.

Ch. 324 (AB 260) Bradley Administrative procedure.

(1) Existing law requires that notice to any school district employee that his or her

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services will not be required for the ensuing year be given by the governing board of the district before May 15

This bill would provide that this date shall be extended for the period of time equal to any continuance granted to any employee who requests a hearing on the issue of his or her termination of employment.

(2) Under existing law, a witness may not be compelled by subpoena to attend a hearing conducted pursuant to the Administrative Procedure Act at a place out of the county in which the witness resides unless the distance is less than 150 miles from his or her place of residence except as specified.

This bill would require the witness to attend the hearing if he or she is a resident of the state at the time the subpoena is served

(3) The bill would change references to "hearing officer" in the Administrative Procedure Act and related provisions of law to "administrative law judge" and would make numerous technical, nonsubstantive changes

Ch. 325 (AB 2052) Davis Multifamily rental housing: qualified mortgage bonds

(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 persons and families of low or moderate income. Under existing law, the maximum aggregate amount of bonds which may be issued is limited to $1,500,000,000 in any calendar year This authorization is scheduled to be repealed January 1, 1986

This bill would raise the maximum aggregate amount of bonds that may be issued to $2,800,000,000 in any calendar year until January 1, 1986, at which time that aggregate amount would be reduced to the existing level. However, bonds issued to finance developments during 1985 for which 10% of the units are reserved for occupancy by persons whose income does not exceed a specified amount and for which the rents are limited, as specified, would not be subject to that limitation. A specified percentage of the units in developments which would be financed with bonds issued on or after January 1, 1986, would be required to be reserved for occupancy by those persons. The bill would delay the repeal date from January 1, 1986, to January 1, 1988 The bill would provide that certificates of participation shall be considered to be bonds for purposes of those provisions The bill would require an issuer, effective January 1, 1986, to notify the Mortgage Bond Allocation Committee of the issuer's intention to issue bonds.

(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 impose a state-mandated local program by requiring any county or city which has already issued bonds to submit the prescribed reports for 2 additional years

(3) 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 Effective June 30, 1985, the existing maximum household income for eligible borrowers under the program will be reduced for specified borrowers under certain circumstances

This bill would retain the existing maximum household income for eligible borrowers under the program until January 1, 1987, at which time the maximum household income for eligible borrowers would be reduced for specified borrowers under certain circumstances.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

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Ch. 326 (AB 1903) Peace. Workers' compensation.

Existing law provides for the employment of referees by the Administrative Director of the Division of Industrial Accidents to, among other things, hear claims regarding workers' compensation.

This bill would change the reference for those individuals from referee to workers' compensation judge

Ch. 327 (AB 290) Klehs Franchise Tax Board· subpoenas.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, the Franchise Tax Board is authorized to issue subpoenas or subpoenas duces tecum which may be served on any person for any purpose.

This bill would provide that obedience to subpoenas or subpoenas duces tecum issued by the Franchise Tax Board may be enforced by application to the superior court, as specified

Ch 328 (AB 926) Ferguson Harbor improvement districts museums

Under existing law, a harbor improvement district may acquire, develop, operate, and maintain inland parks and recreation areas.

This bill would authorize the district to purchase, collect, trade, exchange, or otherwise acquire materials for the use of museums or exhibits maintained by the district, and to sell, lend, or exchange the material, according to the established custom of museums.

Ch. 329 (AB 504) Stirling Corporations: directors

Under existing law applicable to business, public benefit, mutual benefit, religious, and cooperative corporations, unless otherwise provided in a corporation's articles or bylaws and except for a vacancy created by removal of a director, vacancies on the board of directors of a corporation may be filled by a majority of the directors then in office, whether or not less than a quorum, or by a sole remaining director.

This bill would, instead, provide that those vacancies may be filled by approval of the board, or if the number of directors in office is less than a quorum, by the unanimous written consent of the directors, by the affirmative vote of a majority of the directors, as specified, or by a sole remaining director.

Ch 330 (AB 2280) Elder Public retirement systems: service credit—layoff periods.

(1) A provision of the existing Public Employees' Retirement Law provides "public service" credit under the Public Employees' Retirement System to laid-off local members who are full-time employees and return to full-time work within 12 months of the date of layoff under specified procedures, subject to specified conditions, for any time on or after January 1, 1984, but not to exceed 12 months, during which the local member is laid off, however, application to contracting agencies would be at their option

This bill would make that provision also applicable to any layoff time on or after January 1, 1981 This new authorization would impose state-reimbursable state-mandated local program negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) A provision of the County Employees Retirement Law of 1937 (CERL), whose application to a county would be at its option, authorizes county boards of supervisors with respect to county retirement systems under the CERL to authorize laid-off members who are full-time employees, and return to full-time work within 12 months of the date of layoff under specified procedures, subject to specified conditions, to purchase up to one year's service credit for layoff periods commencing on or after January 1, 1984.

This bill would make that provision also applicable to any layoff period commencing on or after January 1, 1981. This new authorization would impose state-reimbursable state-mandated local program negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and

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other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 331 (SB 67) Alquist. Chancellor of the California Community Colleges: recruitment costs.

Existing law provides for the appointment of a chancellor to serve as chief executive officer of the California Community Colleges.

This bill would appropriate $100,000 to the Chancellor's Office of the California Community Colleges for costs incurred in the 1984–85 and 1985–86 fiscal years in the recruitment of a new chancellor for the California Community Colleges.

This bill would take effect immediately as an urgency statute

Ch. 332 (SB 564) Carpenter. Certificated employees: recording devices.

Under existing law, there are no provisions which specifically authorize classroom teachers to record classroom proceedings.

This bill would authorize any classroom teacher who, in the interest of improving his or her personal teaching techniques, wishes to use an audio recording device in a classroom to record classroom instructional presentations, to employ that device without the necessity of obtaining the approval of the school principal or other school officials.

Ch 333 (SB 449) Campbell. Fire training: fund.

The name of the California Fire Service Training and Education System Fund was changed in 1984 to the California Fire and Arson Training Fund.

This bill would correct various references to the fund.

Ch 334 (SB 588) B Greene. Free insurance: prohibited transactions.

Existing law prohibits an insurer from participating in any plan to offer or effect any kind or kinds of insurance or annuities in this state as an inducement to the purchase or rental by the public of any property, real or personal or mixed, or services, without any separate charge to the insured for that insurance, nor shall any agent, broker, or solicitor arrange the sale of any such insurance, with specified exceptions.

This bill would additionally except insurance provided incidentally to the sale of services if the cost to the seller of the services does not exceed $1 per annum for each purchaser.

Ch. 335 (SB 891) Seymour Evidence. rape prosecution.

Existing law generally permits the court in its discretion to exclude evidence if its probative value is substantially outweighed by the probability its admission will necessitate undue consumption of time or create substantial danger of prejudice, of confusing the issues, or of misleading the jury. However, existing statutory law also provides that the district attorney is authorized to move to exclude from evidence the current address and telephone number of any victim, in any criminal proceeding under specified provisions of law concerning particularized criminal sex acts, and permits the court to order that evidence excluded if the court finds that the probative value of the evidence is outweighed by the creation of substantial danger to the victim.

This bill would provide for the repeal and reenactment of the above statutory provision.

Proposition 8, from the June 8, 1982, primary election added to the California Constitution, among other provisions, the Right to Truth-in-Evidence provision (Subd. (d), Sec. 28, Art. I) which superseded the above existing law so that the repeal and enactment of the above statutory provision by a ⅔ vote of each house of the Legislature is needed to render this statutory provision effective.

This bill also states specified findings and declarations of the Legislature

Ch 336 (SB 1198) Robbins. School districts: lease of real property

Under existing law, the governing board of a school district is authorized to lease real property owned by the district, and may delegate to an officer or employee the power to enter into a lease on the district's behalf as to real property for which the district has

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received only one bid that conforms to specified prerequisites.

This bill would additionally authorize the governing board to delegate that power to an officer or employee as to a lease of real property not needed for school classroom buildings, for a period not exceeding 5 calendar days, as specified by existing law

This bill would also authorize this delegation of power as to any lease, permit, or agreement for the use by the district of buildings or other facilities, if the use is to be granted to the district without charge

Ch. 337 (SB 735) Royce. Emergency response. recovery of costs.

Under existing law, a person who negligently, in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public property is liable to the federal, state, county, or public agency for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services

This bill would make any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, a boat or vessel, or a civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, liable for the expense of an emergency response, as defined, by a public agency to the incident A person's liability would be limited to $500 for a particular incident.

The bill would state that it is not the intent of the Legislature to occupy the field of recovery of the expense of an emergency response by a public agency, as defined, nor to preempt local regulations or to otherwise limit the remedies available to any public agency to recover the expenses of an emergency response to any incident not involving persons who operate a motor vehicle, boat or vessel, or civil aircraft while under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug

The bill would preclude the admission of any testimony or evidence therefrom of any person subject to the above provisions in any criminal proceeding arising out of the same incident.

Ch. 338 (SB 179) Marks. Cities, counties planning: environmental impact

(1) Existing law requires that copies of the adopted general plan, specific plans, and amendments to either, of a city or county, be made available to the general public.

This bill would specify the time following adoption of a general plan, specific plan, or amendment to either, within which documents adopting or amending the plan, including diagrams and text, must be made available for inspection by the general public. The bill would also require that a copy thereof be furnished to any person requesting a copy, and would specify the time within which the copy must be furnished. In so doing, the bill would impose a state-mandated local program.

(2) Existing law requires that a local agency file, post, and make available to the public, specified notices concerning the local agency's determination as to whether or not a project, as defined, will have a significant impact on the environment

This bill would require the notice to include a certification that the final environmental impact report, if one was prepared, is available to the general public.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 339 (SB 797) 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, including, until January 1, 1987, the San Bernardino Unified School District

This bill would extend the exemption for the San Bernardino Unified School District to January 1, 1990.

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Ch 340 (AB 662) Lewis California water districts refunding bonds.

Under existing law, special provisions authorize the Irvine Ranch Water District and the Moulton-Niguel Water District to refund bonds in accordance with prescribed procedures and subject to specified conditions.

This bill would further permit the refunding of bonds by those districts by defeasance or call for redemption subject to specified requirements, such as authorizing the refunding bond proceeds to be invested in specified state and local evidences of indebtedness and in federal securities, providing further requirements for the establishment of an escrow or trust to make bond payments and for the levying of taxes or assessments if necessary to make those payments, and eliminating the requirement that the bonds being refunded be called when it is first legal to do so if specified findings are made.

The bill would take effect immediately as an urgency statute.

Ch 341 (AB 1640) N. Waters Sanitation and sewerage systems

Under existing law, various entities of local government authorized to operate sanitary sewers and sewerage systems may provide for a basic penalty of 10% for nonpayment of charges, plus a penalty not exceeding one-half of 1% per month

This bill would authorize an increase in the penalty from one-half of 1% per month to 1½% per month.

Ch 342 (AB 1608) Katz Pollution control financing small businesses

Under the existing California Pollution Control Financing Act, the California Pollution Control Financing Authority is authorized to issue bonds of the authority to provide businesses and industries with an alternative method to finance required pollution control facilities The authority may pledge revenues to secure its bonds and may provide reserves and sinking funds The authority may also impose fees and charges on each project financed by it

This bill would, in addition, authorize the authority to impose fees and charges on, or require deposits from, participating parties receiving financing for projects in order to establish common reserve funds for bonds of the authority for the use or benefit of qualifying small businesses, as specified The bill would prohibit these fees, charges, and deposits with respect to a single issue of bonds from exceeding in total amount 3% of the principal amount of that issue of bonds, and would restrict the liability of a reserve fund with respect to a single issue of bonds to $1,000,000 The bill would require each common reserve fund to be deposited in a special account created by the Controller with all interest earned by the investment or deposit of money in the special account to be credited to the special account.

The bill would specifically authorize any funds of the authority to be invested in state or local government obligations meeting designated provisions of the Internal Revenue Code of 1954

The bill would state the intent of the Legislature in enacting these provisions with respect to assisting qualifying small businesses in financing required pollution control facilities.

The bill would take effect immediately as an urgency statute.

Ch 343 (AB 1116) Condit Market milk movement to consumers

(1) Existing law authorizes the Director of Food and Agriculture to adopt stabilization and marketing plans for market milk which includes the minimum prices to be paid by handlers to producers for market milk in the various classes

This bill would provide that a stabilization and marketing plan may contain provisions necessary to encourage the availability of market milk for those usages for which class 1 and class 2 milk is mandatory

(2) Existing law requires the director to adopt a pooling plan for market milk

This bill would specify that the plan include any provision which may be necessary to encourage the availability of market milk for those usages for which class 1 and class 2 milk is mandatory

(3) Under existing law relating to milk pooling, each producer is required to be paid the highest usage for that amount of his or her fluid milk production which is equal to his or her pool quota, as specified

This bill would specify that each producer's payment under the pooling plan would be subject to a provision in the plan that may be necessary to encourage the availability of market milk for those usages for which class 1 and class 2 milk is mandatory

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Ch. 344 (AB 1290) Jones. Education: farm labor vehicles. driver training.

(1) Under existing law, the State Department of Education is required to develop a course for the training of farm labor vehicle drivers and to train necessary personnel to conduct those courses Existing law requires each person trained by the department to be qualified as instructional personnel to conduct the course to pay a fee of $300, and requires these fees to be remitted to the General Fund

This bill would require the department to develop or approve a course for the training of schoolbus, school pupil activity bus, and farm labor vehicle drivers that will provide them the skills and knowledge necessary to prepare them for an examination for certification pursuant to specified provisions of current law This bill would require the department to seek the advice and assistance of the Department of Motor Vehicles and the Department of the California Highway Patrol in developing or approving these courses.

This bill would require the department to train or approve the necessary instructional personnel to conduct these courses This bill would require the department to provide for and approve the course outline and lesson plans used in courses for schoolbus and school pupil activity bus training programs This bill would require the department to approve the course outline and lesson plans used in farm labor vehicle training courses

This bill would delete the requirement found under current law that each person who is trained by the department to be qualified as instructional personnel to conduct farm labor vehicle training courses pay a fee of $300.

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

Ch 345 (AB 1018) Frazee Petroleum products

(1) Under existing law, it is unlawful for any person to advertise motor fuel unless the advertising medium displays specified information in a prescribed manner, including information on discounts.

This bill would change the information and manner for displaying discounts for motor fuel, thereby imposing a state-mandated local program by creating a new crime The bill would also make technical nonsubstantive changes in provisions relating to petroleum products and would delete obsolete provisions

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 346 (AB 2526) McClintock Voter registration

Existing law does not expressly prohibit the writing or affixing of political statements on affidavits of registration or voter registration cards.

This bill would provide that no affidavit of registration or voter registration card shall contain, and no person other than the registrant shall write on or affix thereto, any statement urging or indicating support or opposition to any candidate or measure It would mandate a new program or higher level of service by imposing misdemeanor penalties for a violation of this provision

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 347 (AB 2540) Condit State Teachers' Retirement System· payment of benefits

The existing State Teachers' Retirement Law authorizes payment to members of estimated retirement or disability allowances based on preliminary information in the possession of the system and requires, in cases of related underpayments or overpayments, subsequent adjustments.

This bill would expand the application of that authorization to all amounts due from the system.

This bill would also authorize the Teachers' Retirement Board to establish a special account and procedures to pay allowances and death payments on an emergency basis

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Ch 348 (AB 760) Hannigan Public works contracts· payment bonds.

Existing law requires an original contractor to file a payment bond before beginning performance on any public work pursuant to a contract in excess of $25,000 which is awarded by a public entity Existing law also provides that no claim in favor of the original contractor arising out of such a contract shall be audited, allowed, or paid by the public entity awarding the contract unless a payment bond is filed and approved.

This bill would exempt from the above requirements any contract executed by a public district or political subdivision of the state on or after November 30, 1982, and performed on or before January 1, 1985, for disaster damage repair or restoration work if the failure to file the bond is the result of inadvertence or excusable neglect.

The bill would remain in effect only until January 1, 1987, unless extended.

This bill would take effect immediately as an urgency statute

Ch. 349 (SB 120) Alquist California Health Facilities Financing Authority

(1) Under existing law, there is a California Health Facilities Authority which is empowered to make loans under certain conditions from the California Health Facilities Authority Fund to nonprofit corporations or associations for financing or refinancing of the acquisition, construction, or remodeling of health facilities, as defined Existing law authorizes the authority to issue revenue bonds for the purpose of obtaining moneys to make those loans. The total amount of revenue bonds authorized to be outstanding at any one time is limited to $2,409,000,000

This bill would change the name of the authority and fund to California Health Facilities Financing Authority and California Health Facilities Financing Authority Fund and would increase the total amount of revenue bonds authorized to be outstanding at any one time by $965,000,000. The bill would make an appropriation because the additional funds from the issuance of these bonds would be deposited in the California Health Facilities Financing Authority Fund, which is a continuously appropriated fund.

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

Ch. 350 (SB 218) Ayala. Watershed lands: emergency powers· state responsibility areas

(1) Existing law authorizes the Department of Forestry to enter into contracts with public agencies and private parties to establish and preserve forest and vegetative cover on forest and watershed lands.

This bill would recast those provisions and limit that contract authority to establishing and maintaining (a) vegetative cover on watershed lands and (b) watercourse channels free of natural impediments or destructive materials during peak flood flows

(2) Under existing law, in exercising emergency powers under the department's authority to enter into contracts to establish and preserve forest and vegetative cover on forest and watershed lands, the Director of Forestry is required to be guided by specified principles related to the threat of soil depletion, erosion, and flood runoff from denuded areas.

This bill would delete the guiding principles and, instead, would condition the exercise of emergency powers upon the existence of any of specified conditions.

The bill would include, among those conditions, the condition where woody plants and debris within or adjacent to the watercourse channels in or directly downstream from denuded areas will significantly impede flood runoff or accelerate channel scour Prior to commencing any work in response to that condition, the Director of Forestry would be required to advise the Director of Fish and Game of the proposed work.

(3) Under existing law, the State Board of Forestry is required to determine state responsibility areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state.

This bill would limit the expenditure of state funds for the emergency work authorized in (2) above to lands classified as a state responsibility area The bill would require any contract for emergency work affecting both a state responsibility area and nonclassified lands to require that the costs of the work be shared proportionately between the department and the other responsible federal, state, or local agency or private party

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Ch. 351 (SB 372) Royce. Division of Apprenticeship Standards

Existing provisions of law require the Division of Apprenticeship Standards to provide services to clients of the Employment Development Department, as specified. These provisions contain references to provisions of law no longer in existence.

This bill would delete references to programs no longer in existence and instead make reference to existing programs.

The bill would also permit, rather than require, the Division of Apprenticeship Standards to provide services.

Ch 352 (SB 916) Keene Forests and rangelands: assessment and critique of federal policies.

Under the Forest and Rangeland Resources Assessment and Policy Act of 1977, the Director of Forestry is required to periodically prepare and submit to the State Board of Forestry and the Secretary of the Resources Agency a forest and rangeland resource assessment and analysis which includes, among other things, an assessment and critique of federal policies with respect to rangeland and timberland

This bill would require that assessment and critique to include a review of the federal government's revenue sharing programs, as specified. In conducting the review, the director would be required to consult with the State Board of Equalization, and with affected local governments and school districts

Ch. 353 (SB 1196) Presley. Public social services.

Under existing law, for the purposes of the Aid to Families with Dependent Children-Foster Care Program, a "case plan" is defined as a document which specifies various services which will be provided in order to meet the child's needs while in foster care

This bill would define "case plan" as including an evaluation of the appropriateness of the services provided to the child

Existing law provides that among other conditions which must be met in order for a child to qualify for the AFDC-FC program, except when other specified conditions are met, the child must have been removed from the physical custody of his or her guardian

This bill would specify that the removal must have taken place as a result of a judicial determination that continuance in the home would be contrary to the child's welfare.

The bill would also require that if the child has been placed in foster care, reasonable efforts must have been made, and will continue to be made, to prevent or eliminate the need for removal of the child from his or her home, and to make it possible for the child to return to his or her home. The bill would create a state-mandated local program by adding these eligibility requirements to the county-administered AFDC-FC program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 354 (SB 1227) Keene. Water resources: North Bay Aqueduct.

Existing law prescribes certain salinity standards and related requirements for the operation of the North Bay Aqueduct or any joint-use facilities of the unit by the federal government or the state.

This bill would, instead, require the operation of the North Bay Aqueduct or any joint-use facilities to conform to any applicable standard established by the State Water Resources Control Board relating to the State Water Resources Development System

Ch 355 (SB 540) Watson Classified employees: executive secretaries.

Existing law contains extensive provisions for the establishment of a merit system for the classified employees of school districts, including the establishment of a personnel commission. Under existing law, the commission is required to classify all employees and positions within the jurisdiction of the governing board or of the commission, except those specified as exempt from the classified service, and requires that the employees and positions be known as the classified service.

Existing law specifies the manner in which any vacancy in the classified service shall be filled, including that a vacancy shall be filled from applicants on eligibility lists which, if practicable, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with rules of the commission.

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This bill would authorize the personnel commission, upon request of a majority of the members of the governing board of a district, to exempt executive secretarial positions from the above-specified requirements. This bill would limit the exempt positions to executive secretarial positions which report directly to members of the governing board, the district superintendent, or not more than 4 principal deputies of the district superintendent, or all of these positions.

This bill would require persons employed in these executive secretarial positions to continue to be afforded all of the rights, benefits, and burdens of all classified employees serving in the regular service of the district, but would specify that these employees shall not attain permanent status in an executive secretarial position This bill would specify that persons occupying these positions whose services are discontinued for causes other than causes for disciplinary action specified under current law or by rules of the commission shall have the right to return to a position in a classification they previously occupied or, if that classification no longer exists, in a similar classification as determined by the commission.

Ch. 356 (SB 1096) Seymour. Civil law· adoption and conservatorship.

Existing law provides for the establishment of regional centers for the disabled It provides for the assessment of a person with developmental disabilities with regard to whom a limited conservatorship is proposed by such a center, with his or her consent, as specified The regional center is required to submit a written report of its findings and recommendations to the court in such a matter.

This bill would require notice to the director of the regional center of pending cases of proposed adoption of persons with developmental disabilities who are adults, in cases where the proposed adoptive parent is a provider of services to persons with developmental disabilities or a spouse or employee of such a provider, as specified It would also require such a notice in cases where a wardship or limited conservatorship is proposed with regard to a person with developmental disabilities and the proposed guardian or conservator is such a provider of services or a spouse or employee of such a provider The bill also would require the regional center for the disabled to file a written report regarding the suitability of such an adoption in meeting the needs of the proposed adoptee and a written report and recommendation regarding the suitability of a petitioner for such a wardship to meet the needs of the proposed ward. The bill also would require the making of such a recommendation in the report made pursuant to existing law with regard to a proposed limited conservatee

Ch. 357 (SB 355) Morgan. Crimes. commencing of actions.

Existing law generally specifies various times within which categories of criminal actions must be commenced. For certain offenses the specified times do not commence to run until discovery of the particular offense.

This bill would, additionally, provide that the time limitations do not commence to run until an offense has been discovered, or could have reasonably been discovered with respect to those offenses set forth under the Porter-Cologne Water Quality Control Act or with respect to certain offenses pertaining to hazardous waste control.

Ch. 358 (AB 2372) Condit. Statewide measures

Existing law provides that every measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. A measure is defined in the Elections Code as any constitutional amendment or other proposition submitted to a popular vote at any election.

This bill would specify that every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot, as specified.

Ch. 359 (AB 97) McAlister. Probate.

Existing provisions of the Probate Code relating to administration of estates authorize an executor or administrator to sell property of an estate in various instances, but generally require sales of property to be reported to and confirmed by the court, and in various instances require notice of sale, impose requirements on price, and approval

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of commissions However, existing law permits an executor or administrator to be authorized to administer an estate without court supervision, in which case the executor or administrator is not required to obtain judicial authorization, approval, confirmation, or instructions, except as to specified matters, but is required to advise affected persons of proposed actions.

This bill would provide that an executor or administrator who has been granted authority to administer an estate without court supervision may sell property with or without notice, upon terms and conditions that the executor or administrator may determine, and, as to the real property, would make inapplicable requirements of confirmation, notice, approval of commissions, and sale at not less than 90% of appraised value. The bill would also authorize the court to fix the amount of any bond at the estimated value of personal property and the estimated value of proceeds of real property that will be sold, and the estimated probable income of all property, as specified.

Existing provisions of the Probate Code governing the administration of estates require that notice of certain proceedings be given to heirs, or devisees and legatees, or both, of a decedent or testator

This bill would provide that notice need not be given to an heir if the person is an heir because of a parent-child relationship between a stepchild and a stepparent or between a foster child and a foster parent. It would also provide that notice need not be given to a person who is a member of a class to whom a devise or bequest is made if the person is a member of the class because of a parent-child relationship between a stepchild and a stepparent or between a foster child and a foster parent. Those provisions would be inapplicable where the person otherwise required to give notice has actual knowledge of facts that a person would reasonably believe establish that the relationship between the child and the stepparent or foster parent is to be given the same effect as an adoptive relationship.

The bill would also make a technical change relating to passage of property to a surviving spouse without administration when a husband or wife dies intestate.

Existing law relating to the interpretation of wills provides that if a devisee is dead when a will is executed, or is treated as having predeceased the testator, or fails to survive the testator or until a future time required by the will, then the issue of the deceased devisee take in his or her place unless the will expresses a contrary intent.

This bill would specify that a requirement of survival for a specified period of time after the death of the testator or until a future time that is related to the probate of the will administration of the estate constitutes a contrary intent

Existing definitions relating to the California statutory will defines descendants as children, grandchildren, and lineal descendants, with the relationship of parent and child being determined under definitions applicable to intestate succession.

This bill would provide for the determination of the relationship of parent and child to be determined as provided by provisions relating to the rights of adopted persons, persons born out of wedlock, stepchildren, and foster children

The bill would take effect immediately as an urgency statute.

Ch 360 (AB 2575) Killea. Department of Forestry: aircraft: appropriation.

Under existing law, the Department of Forestry, in accordance with a plan approved by the State Board of Forestry, is required to provide firefighting implements and apparatus

This bill would appropriate $1,500,000 from the Contingency Reserve for Economic Uncertainties to the department to contract for up to 5 additional multiengine tanker aircraft ~~for location in southern California~~* The bill would specify that the appropriation shall not be deemed an appropriation from the General Fund and would require the Department of Forestry and the Department of Finance to seek federal funds for support of the bill The bill would expressly exempt its provisions from existing competitive bidding procedures, except as specified.

The bill would take effect immediately as an urgency statute.

Ch 361 (AB 100) McAlister. Family Law Act proceedings. appointment of counsel for minors.

Under existing law, when custody of a minor child is an issue in any proceeding under the Family Law Act, the court may appoint an attorney to represent the child if it finds

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that would be in the best interests of the child.

This bill would revise that authorization to permit appointment of an attorney to represent a minor child in proceedings under that act involving child custody or visitation, if the court determines that it would be in the best interests of the child. The bill would also specify that a probation officer or domestic relations investigator in any custody investigation, or a mediator involved in specified custody proceedings, is not prohibited from making recommendations to the court regarding the appointment of counsel in any case where custody of or visitation with a minor child is in issue, provided the reasons why it would be in the best interests for the child are given.

This bill would take effect immediately as an urgency statute.

Ch. 362 (AB 150) McAlister. Family law. child or spousal support.

Existing law provides that for the purposes of making an award of spousal support, where it is just and reasonable, the court may include an amount sufficient to maintain insurance for the benefit of the supported spouse on the life of the spouse required to make the payment of support

This bill would amend that provision to authorize the court also to include an amount sufficient to purchase an annuity for the supported spouse or to require the spouse required to make the payment of support to establish a trust to provide for the support of the supported spouse. It also would authorize the court to modify or terminate any of the orders authorized by that provision at any time prior to the death of the party ordered to pay support, except as specified.

Under existing law, a court in a marital dissolution proceeding or proceeding for legal separation has jurisdiction to divide the community property and quasi-community property of the parties, but has no jurisdiction to divide the separate property interests of the parties held in joint tenancy or tenancy in common.

This bill would expand the court's jurisdiction in a proceeding for the division of community property or quasi-community property to include jurisdiction to divide the separate property interests of the parties in real and personal property held by the parties as joint tenants or tenants in common, where requested by either party. Under the bill, division of this property would be subject to the same procedures and limitations applicable to division of community property and quasi-community property. The bill would be applicable to proceedings commenced on or after January 1, 1986, regardless of the date property subject to the bill was acquired

Existing law authorizes a court to order any party to a proceeding under the Family Law Act, except a governmental entity, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the proceeding, related proceedings, and subsequent proceedings, and for attorneys' fees, as specified.

This bill would provide that the court may make such an award where the making of the award, and the amount of the award, is just and reasonable under the circumstances of the respective parties, as specified, and would authorize the payment of the award from any type of property whether community or separate, principal or income.

Existing law provides that no order or judgment under the Family Law Act concerning the support of minor children of a marriage or the support of either party is enforceable against an employee pension benefit plan unless the plan has been joined as a party to the proceeding.

This bill would provide that notwithstanding the above described provision, a judgment, order, or decree for the payment of child or spousal support may be enforced against an employee pension benefit plan regardless of whether the plan has been so joined as a party. The bill also would specify that an execution lien created by a levy on the judgment debtor's right to payment of benefits from an employee pension benefit plan to enforce such a judgment, order, or decree continues until the date the plan has withheld and paid over to the levying officer the full amount specified in the notice of levy, except as specified It also would make related changes.

Ch. 363 (AB 1005) Isenberg. Administrative procedures. payroll deductions.

(1) Existing law permits a state employee to authorize deductions to be made from his or her salary or wages for deposits into an account with a state or federal bank or savings and loan association which is located in this state.

This bill instead would permit a state employee to authorize deductions to be made

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from his or her salary or wages for deposits into his or her account with a state or federal bank or savings and loan association located in this state, for services offered by that bank or savings and loan association

(2) Existing law, relating to the administration of payroll deductions by the Controller, requires the Controller to do each of the following obtain a "hold harmless" agreement from organizations and business entities receiving payroll deductions prior to making, canceling, or changing payroll deductions at their request, and decline to make deductions for any individual, organization, or entity if he or she determines that it is not administratively feasible or practical to make the deduction.

This bill would require the Controller to obtain a "hold harmless" agreement from organizations and business entities receiving other deduction services, as well as the actual deductions, and to decline to make deductions for any individual, organization, or entity if the individual, organization, or entity requesting or receiving the deduction has failed to comply with any statute, rule, regulation, or procedure for the administration of payroll deductions

This bill would require the Controller, at the request of a state agency, to transfer employee deduction authorization for a state-sponsored benefit program from one provider to another if the benefit and the employee contribution remain substantially the same. This bill would require notice of the transfer to be given by the Controller to all affected employees

Ch. 364 (AB 1115) Condit Music misappropriation

(1) Existing law makes it a misdemeanor to use or cause to be used for profit through public performance recorded sounds which have been transferred without the consent of the owner Existing law also prohibits the sale of those articles with the knowledge that the sounds thereon have been wrongfully transferred

This bill would instead prohibit the use, or causing the use, where the articles are to be used for commercial advantage or private financial gain through public performance and would also prohibit the possession for sale of those articles

(2) Under existing law, a court is required, upon conviction, to order forfeiture of specified equipment and recording media that are used in connection with the above offense or the offenses of possessing for sale, selling, causing to be sold, or transporting or causing to be transported in this state for monetary or other consideration, any article containing sounds of a live performance with the knowledge that the recording is not consented to by the owner of the sounds of the live performance

This bill would make this forfeiture penalty additionally applicable to the offenses of (a) knowingly recording the sounds of a live performance, without the consent of the owner thereof, for commercial advantage or private financial gains and (b) specified offenses relative to failure to disclose the origin of a recording of sound

(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 create a new crime, as described in "(1)" above, and change the penalties for existing crimes as described in "(2)" above, thus making the bill 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.

Ch. 365 (AB 1396) Frazee County highways contracts

Under existing law, the board of supervisors of a county may contract or do not more than $25,000 of work upon a county highway without calling for bids In addition, the board of supervisors of a county with 20,000 or more square miles, and in which there are more than 4,000 miles of county-maintained roads, may contract for not more than $50,000 of work upon a county highway after publishing a notice [describing the work in general terms]* in a newspaper in accordance with specified conditions The board is ~~describing the work in general terms~~* authorized to delegate to the county road commissioner its authority in this regard

This bill would authorize the board of supervisors of all counties to likewise contract

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for not more than $50,000 of work upon a county highway after publishing a notice under the above provision, and to delegate this contract authority to the county road commissioner

Ch 366 (AB 1449) Isenberg *Local agencies. special meetings*

Existing law provides for the conduct of meetings by governmental bodies and generally requires the meetings to be open to the public and properly noticed, as specified. However, the legislative body, as defined, of a local agency may hold closed sessions with its designated representatives regarding the salaries, salary schedules, or fringe benefits of its represented and unrepresented employees

This bill would, additionally, permit the legislative body of a public agency, as defined, to meet in closed session with its designated representatives on mandatory subjects within the scope of representation of its represented employees.

Ch 367 (AB 1665) Sher. Crimes

(1) An existing statute in the Penal Code states that the Penal Code is divided into 3 parts and sets forth those 3 parts However, the Penal Code consists of 4 parts.

This bill would revise the statute to reflect the 4 parts of the Penal Code.

(2) Under existing law, for purposes of crimes related to the theft and forgery of credit cards, the term "credit card" means any card, plate, coupon book, or other credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit

This bill would revise the definition of "credit card" to specify that a credit device, includes, but is not limited to, an account number or code or other means of account access which exists for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

It would also provide that this revision in the definition is declaratory of existing law.

(3) Existing law provides a particular title in the Penal Code which provides for a California Commission on Crime Control and Violence Prevention and specifies its composition and the area of its study It also provides that the commission shall expire on March 31, 1983

This bill would repeal that title to conform to the expiration date.

Ch 368 (AB 1685) Hughes. *Education year-round schools.*

(1) Existing law authorizes the Los Angeles Unified School District to operate an experimental or innovative program approved by the Superintendent of Public Instruction in one or more year-round schools of the district. Existing law requires the district to maintain those schools for a specified number of hours during the school year, but permits the district to maintain those schools for less than 175 days, so long as the number of instructional days is not less than 163 days.

Existing law specifies that the program shall terminate on June 30, 1986.

This bill would limit this authorization to the operation of an innovative program approved by the superintendent in one or more year-round schools of the district. This bill would authorize the Los Angeles Unified School District to operate these innovative programs so long as the number of instructional days equals or exceeds 163 days, and so long as the number of annual instructional minutes is equivalent to that of schools of the same grade levels utilizing the traditional school calendar. This bill would delete prescribed requirements imposed under current law relating to the application for the operation of this program.

This bill would impose a state-mandated local program by extending the termination date of the program to June 30, 1988, and would require the Superintendent of Public Instruction to evaluate the innovative year-round programs and to report to the Legislature on the effects of the programs upon academic achievement by January 1, 1987.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 369 (AB 2186) Clute. State military personnel: Office of the Adjutant General.

Under existing law, commissioned and warrant officers and enlisted personnel on active duty with the Office of the Adjutant General are appointed by the Governor, with consideration of the recommendation of the Adjutant General Existing law does not specify an age limit applicable to that active duty.

This bill would provide that, except for the Adjutant General, Assistant Adjutant General, and officers assigned to general officer positions, commissioned and warrant officers and enlisted personnel on permanent active duty with the office may remain on that duty until age 60 or until federal recognition of California National Guard grade or rank is withdrawn, whichever occurs later The bill would specify that these provisions for retention until age 60 do not apply if the commission of a commissioned officer is vacated or if a warrant officer or enlisted person is discharged. The bill would permit a commissioned officer on active duty with the office assigned to a general officer position, who previously held a permanent active duty position in the office at a lower grade, to revert to the permanent grade held most recently upon vacating the general officer position

Ch. 370 (AB 1784) Wyman Court reporters compensation.

Existing law specifies the compensation of superior court reporters in various counties.

This bill would authorize the Board of Supervisors of Inyo and Mono Counties to prescribe higher fees for superior court reporters, and would require the Board of Supervisors of Inyo and Mono Counties to prescribe the salary of superior court reporters for reporting criminal cases

Ch. 371 (AB 2253) Sher Regional park, park and open-space, and open-space districts.

(1) Under existing law, a regional park, park and open-space, or open-space district is authorized to take and hold, use, enjoy, and lease or dispose of real and personal property of every kind for district purposes A district is prohibited, with exceptions, from conveying any interest in any real property actually dedicated and used for park or open-space purposes, or both, without the consent of a majority of the voters at a special election

This bill would authorize the district board of directors to dedicate an easement or other interest in real property for park or open-space by the adoption of a resolution, and would prohibit the conveyance of any interest so dedicated as provided above.

(2) Under existing law, a district is authorized to incur indebtedness for revenue-producing purposes of the district or to acquire lands and facilities All indebtedness of a district is required to be repaid in approximately equal annual installments over specified periods of time.

This bill would delete the requirement that indebtedness of a district be repaid in approximately equal annual installments and would authorize the indebtedness to be sold at not less than 95% of the principal amount in the manner determined by the district board of directors at a discount which equals the underwriter's spread, as specified

Ch. 372 (AB 2281) Campbell Disabled drivers: refueling services notice

Existing law requires every operator of a gasoline service station or other facility which offers motor vehicle fuel for sale to the public to provide, upon request, refueling service, as defined, to a disabled driver of a vehicle which displays a disabled person's plate or placard, or disabled veteran's plate or placard, issued by the Department of Motor Vehicles, at a price no greater than that which the facility would charge the public to purchase motor vehicle fuel without any refueling service. Any person who, as a responsible managing individual setting service policy of a station or as an employee acting independently against set service policy, acts in violation of this provision is guilty of an infraction punishable by a fine of $25.

This bill would require these gasoline service station operators to, in addition, post a single conspicuous notice in the station which states that disabled individuals properly displaying a handicapped parking placard or plate are entitled to request and receive refueling service at the gas station for which they may not be charged more than the self-service price. A violation of this provision would be an infraction and thus 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

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

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

Ch 373 (AB 2305) Wright. Family care. child support

(1) Existing law provides that in any proceeding where there is at issue the support of a minor child, the court may order either or both parents to pay any amount necessary for the support, maintenance, and education of the child. Existing law also specifies various methods of enforcement of such an obligation

This bill would provide that in any case in which a parent has been ordered to make payments for the support, maintenance, and education of a minor child, an action to recover any arrearage in those payments may be maintained at any time within the period specified for enforcement of such a judgment, notwithstanding the fact that the child has attained the age of 18 years

(2) Existing law requires the district attorney to take appropriate action to enforce certain obligations of child and spousal support when the child is receiving public assistance, and when requested to do so by the individual on whose behalf the enforcement efforts will be made when the child is not receiving public assistance

This bill would authorize the district attorney to maintain an action to recover an arrearage in support payments at any time within the period otherwise specified for the enforcement of a support judgment notwithstanding the fact that the child has attained the age of majority

Ch. 374 (AB 2464) Mojonnier. Driving offenses fines· alcoholism program

(1) Under existing law, $50 of each fine for a conviction of specified reckless driving or 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; except that in a county of the first, second, or fifteenth class the $50 deposit is required to be made for each conviction, whether or not a fine is imposed

This bill would add a county of the third class to the list of counties in which the $50 deposit is required to be made for each conviction, whether or not a fine is imposed, thereby increasing the level of service required of a local agency under an existing program and creating a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 375 (AB 877) Lewis Housing

Existing law permits the department to contract with local housing authorities to provide funds to be used by those authorities to obtain a right of occupancy or leasehold for eligible households in rental housing developments

This bill would also permit the department to contract with a redevelopment agency, duly constituted governing body of an Indian reservation or rancheria, city, county, or city and county for that purpose

The bill would make conforming changes in other provisions of law.

Ch 376 (AB 101) Harris Public contracts

Existing law regulates state public works and services contracts

This bill would permit state agencies to suspend, for up to 3 years, a person, or subsidiary or affiliate of that person, from entering into a state public works project or services contract, if the person, subsidiary, or affiliate has been convicted of any charge of engaging in any conspiracy, coercion, or acts in violation of state or federal antitrust laws in connection with the bidding upon, or award or performance of, any such contract

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The bill would prescribe a procedure for the suspensions authorized by this bill and would require other state agencies to adopt the suspension.

Ch. 377 (AB 161) Killea Fish and game licenses.

(1) Existing law generally requires that all licenses, certificates, permits, and license tags authorized pursuant to the Fish and Game Code be prepared and issued by the Department of Fish and Game. Existing law does not presently require any stamp issued to be affixed to the license.

This bill would provide that any stamp issued by the department pursuant to general license provisions is not valid unless it is affixed to the appropriate license document.

(2) Under existing law, the department may issue licenses under terms and conditions prescribed by statute and the regulations of the Fish and Game Commission, which licenses include general sportfishing licenses and sport ocean fishing licenses, and upon payment of prescribed fees

This bill would permit the holder of a valid resident sport ocean fishing license to upgrade this license to a resident sportfishing license by obtaining a resident sportfishing license upgrade stamp. The department would be required to issue the stamp upon application and upon payment of a fee equal to the difference in the prescribed fees between the 2 licenses and payment of a handling charge determined by the department, not to exceed $0 50 The bill would require that an application for the stamp be made only by mail to, or in person at, an office of the department.

Ch. 378 (AB 502) Stirling. Corporations.

Existing law authorizes a corporation, by amendment of its articles, to convert to a nonprofit public benefit corporation, nonprofit mutual benefit corporation, or nonprofit religious corporation

This bill would also authorize a corporation to convert to a cooperative corporation, as specified

Existing law provides that a member may not transfer for value a membership in a public benefit corporation.

This bill would provide that a member may not transfer a membership in a public benefit corporation unless otherwise provided in the corporation's articles and bylaws, and, notwithstanding that provision, a member may not transfer for value a membership.

Existing law authorizes a public benefit corporation to amend its articles to change its status to that of a mutual benefit corporation, a religious corporation or a business corporation by complying with certain provisions. Existing law also authorizes a mutual benefit corporation to amend its articles to change its status to that of a public benefit corporation, a religious corporation, or business corporation by complying with certain provisions.

This bill would also authorize a public benefit corporation or mutual benefit corporation to amend their articles to change their status to that of a cooperative corporation.

Existing law authorizes a religious corporation to amend its articles to change its status to that of a public benefit corporation.

This bill would also authorize a religious corporation to amend its articles to change its status to that of a mutual benefit corporation, business corporation, or cooperative corporation.

Existing law authorizes a consumer cooperative corporation to amend its articles to change its status to that of a public benefit corporation, a mutual benefit corporation, a religious corporation, or a business corporation by complying with certain provisions of law. Existing law also provides that unless the cooperative corporation has no members, an amendment to so change its status to a public benefit corporation, a mutual benefit association, or a religious corporation must (1) be approved by the members, as prescribed, and the fairness of the amendment must be approved by the Commissioner of Corporations, and (2) be approved by 100% of the voting power.

This bill would delete the application of these requirements to a change of status to a mutual benefit association and would also authorize any amendment which changes the status of a cooperative corporation to a nonprofit public benefit corporation or a nonprofit religious corporation to be approved by the members in an election conducted by written ballot in which no negative votes are cast.

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The bill would also make technical, nonsubstantive changes.

Ch. 379 (AB 716) Leonard Parent and child support.

Existing law provides that the father and mother of a child have an equal responsibility to support and educate their child, as specified Under existing law, generally, this obligation terminates when the child reaches the age of 18

This bill would provide that the duty of support continues to exist as to any unmarried child who has attained the age of 18, is a full-time high school student, and resides with a parent, until such time as he or she completes the 12th grade or attains the age of 19, whichever first occurs, except as specified

The Agnos Child Support Standards Act of 1984, operative July 1, 1985, will establish a uniform standard for the establishment of the minimum amount of child support that shall be awarded, based on a specified formula The Judicial Council is required to publish informational material regarding that act and to adopt certain forms and tables relating to the subject matter of the act, by July 1, 1985

This bill would make various changes in the Agnos Child Support Standards Act of 1984, including authorizing the deduction of state disability insurance premiums in the computation of parental annual net disposable income and authorizing a court, in ordering a payment pursuant to the act, to consider as payment a portion of the rental value of the family residence in which the children for the support of whom the award was made are allowed to reside, as specified

The bill also would require the instructions for use of the forms and tables required by existing law to be developed by the Judicial Council to direct courts to establish child support awards in all judgments occurring after June 30, 1985, according to a specified procedure

The bill would take effect immediately as an urgency statute.

Ch. 380 (AB 754) Mojonnier. Horticulture

(1) Under existing law, for specified reasons, plants which are being produced by nurseries are considered to be "growing agricultural crops" for the purpose of laws relating to the agricultural industry

This bill would state, that for the reasons specified, a nursery where the primary activity is the planned production of horticultural crops is a farm. The bill would also state that, for the purposes of these provisions and any laws that relate to farms in this state, a retail nursery is not a farm.

(2) Under existing law relating to plant quarantine and pest control, the term "horticultural product" is not specifically defined

This bill would define this term for the purpose of that law and would state that, for the purpose of that law, agricultural or farm products include any horticultural product

Ch. 381 (AB 856) Hannigan Real estate.

Existing law authorizes the Real Estate Commissioner to issue desist or refrain orders to persons who, in the opinion of the commissioner, are violating provisions of the Real Estate Law and provides a method for appealing those orders

This bill would recast those provisions and would specifically authorize the commissioner to issue desist or refrain orders for a violation of regulations adopted pursuant to the Real Estate Law. The bill would also extend the time in which a hearing is required to be commenced by the commissioner after a request for a hearing by a respondent from 15 days to 30 days and would change the time for the rendering of a decision by the commissioner from 45 days after submission of the case at the administrative hearing to 15 days after receipt of the proposed decision following the hearing

Ch. 382 (AB 1015) Johnston Hospital districts

(1) The existing District Reorganization Act of 1965 permits the board of supervisors of a county to adopt a resolution ordering the dissolution of a district either without an election, under certain circumstances, or subject to confirmation by the voters

This bill would specify that any order in any resolution adopted by the board of supervisors on or after January 1, 1986, ordering the dissolution of a local hospital district is subject to confirmation by the voters

(2) Existing law specifies the powers that may be exercised by a local hospital district,

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including, among others, the power to transfer, without consideration for operation and maintenance, 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

This bill would revise and recast that provision, would provide that the transfer may be made with or without consideration, would require the nonprofit corporation to operate and maintain the assets for the benefit of the communities served by the district, would provide for the approval of only the initial members of the board of directors of the nonprofit corporation by the board of directors of the hospital district, and would specify that those provisions do not invalidate or affect any transfers made prior to March 1, 1985

The bill would make specific findings and declarations relating to certain local hospital districts. The bill would contain a declaration by the Legislature that a specified agreement entered into between Mt. Diablo Hospital District and Mt Diablo Hospital Medical Center, Inc , whereby the district agreed to transfer all of the assets of the district to the medical center is null and void unless certain specified events occur. The bill would declare the necessity for a special statute.

(3) Existing law authorizes a local hospital district to borrow money and incur indebtedness not to exceed 50% of all estimated income and revenue for the current fiscal year, as specified.

Existing law permits local agencies, including districts, to engage in temporary borrowing pursuant to specified procedures and to issue grant anticipation notes. Existing law authorizes a county to utilize an additional procedure to procure short-term notes

This bill would delete the above-described existing law relative to local hospital districts incurring indebtedness and instead expressly authorize a local hospital district to utilize all of the temporary borrowing, issuance of grant anticipation note, and procurement of short-term note powers set forth above.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by requiring the Board of Supervisors of Contra Costa County to call a special election if requested to do so by the Board of Directors of the Mt. Diablo Hospital District. The bill would require the hospital district to cover the expense of conducting that election.

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 383 (AB 1149) Stirling State lands. mineral resources

Under existing law, the State Lands Commission has jurisdiction over the development of the mineral resources of state lands and may issue prospecting permits on those lands Upon establishing to the satisfaction of the commission that commercially valuable deposits of minerals have been discovered within the limits of a permit, the permittee is entitled to a lease, for not more than 160 acres of the lands included in the permit, for the extraction of minerals

This bill would increase the maximum acreage of lands for which a permittee is entitled to a lease from 160 to 960 acres

Ch 384 (AB 1254) Kelley State lands. oil and gas leases: public hearing

(1) Existing law requires the State Lands Commission, before offering any tide or submerged land area or beds of navigable rivers or lakes for an oil and gas lease, to hold a public hearing to consider a plan for the control of subsidence and pollution which might occur as a result of the proposed oil and gas operations, as specified, and to give notice of the hearing to each adjacent city or county and the Department of Parks and Recreation.

This bill would repeal those provisions and, instead, would require the commission, prior to leasing tide and submerged lands or the beds of navigable rivers or lakes for oil and gas, to hold at least one hearing on any draft environmental impact report prepared for the proposed lease and to give notice of that hearing, as prescribed

(2) Existing law also requires the commission, prior to the adoption of a form of lease for leasing offshore tide and submerged lands between the mean high tide line and the

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3-mile jurisdictional limit, to consult with the Department of Fish and Game, the National Marine Fisheries Service, the oil industry, and fishermen operating within the area being considered for leasing, and to hold at least one public hearing on the draft environmental impact report prepared for the proposed lease.

This bill would require the commission to give notice of the hearing in a prescribed manner.

Ch. 385 (AB 1902) Molina State highways: Route 72.

(1) Existing law provides that State Route 72, which is from Route 39 to Downey Road near the City of Los Angeles, will cease to be a state highway when the Route 90 freeway is completed from Route 5 to Route 39.

This bill would delete that portion of Route 72 from Atlantic Boulevard to Downey Road from the state highway system when the County of Los Angeles completes the reconstruction of Whittier Boulevard approximately between these 2 limits, and thus would impose a state-mandated local program since a local agency would be required to maintain that portion.

(2) No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act

Ch 386 (AB 493) Papan. Blind vendors insurance

Existing law provides for the Business Enterprise Program for the Blind, in which visually impaired persons operate vending facilities in publicly owned or leased buildings, as specified.

Existing law provides that under this program, the Department of Rehabilitation shall provide that if any funds are set aside, or caused to be set aside, from the net proceeds of the operation of a vending facility, the funds may be used for specified purposes, including health insurance contributions, if specified conditions are met.

This bill would, in addition, authorize these funds to be used for health insurance premiums or for business-related insurance, if the conditions referred to above are met.

Ch 387 (AB 2314) Grisham. Driving schools

Existing law requires a person to obtain a license from the Department of Motor Vehicles to own or operate a driving school or to give driving instruction for compensation The Director of Motor Vehicles is authorized to prescribe rules and regulations regarding the conduct of courses of driver education and driver training. The director is also authorized to prescribe rules and regulations regarding the conduct of driving instructor training courses.

This bill would require the department to establish rules and regulations prescribing standards, as specified, for owners, operators, instructors, and courses of driver education and driver training for driving schools providing training courses for class 1 and class 2 licensed drivers

Ch. 388 (AB 2405) Filante. Fish and game· appropriation

Under existing law, the Fish and Game Preservation Fund is continuously appropriated to the Department of Fish and Game and to the Fish and Game Commission for specified purposes related to the protection of birds, mammals, reptiles, and fish

This bill would appropriate $180,920.50 from the General Fund to the Fish and Game Preservation Fund

The bill would take effect immediately as an urgency statute.

Ch. 389 (AB 2437) Clute School drug education notice.

Existing law requires the governing board of each school district to notify the parent or guardian of each pupil of specified rights of the parent or guardian, and of the availability of nutrition program for needy pupils

This bill would require that this notification include notice of the program of instruction required by existing law in the elementary and secondary schools on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances This bill would thereby impose a state-mandated local program.

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch. 390 (AB 2066) Clute. Airport permits hearings.

Existing law requires a person or political subdivision to obtain a permit from the Department of Transportation before constructing or expanding an airport. On its own motion the department may, or on [the]* request of an affected person the department is required to, hold a public hearing on the issuance of the permit.

This bill would provide that the department is not required to hold a hearing if it finds and determines that the issues proposed to be raised have been sufficiently considered previously, as specified.

Ch 391 (AB 510) N. Waters. Cremated remains disposers.

Existing law prohibits any person from disposing of human remains unless there has been obtained a death certificate and a permit for disposition, as specified

This bill would prohibit any person, with certain exceptions, from disposing or offering to dispose of any cremated human remains unless registered as a cremated remains disposer by the Cemetery Board

The bill would provide for the registration and regulation of cremated remains disposers, as specified The bill would make a violation of specified provisions a crime and thus would create a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 392 (AB 43) Mojonnier Transportation· passenger rail system

(1) Under the California Environmental Quality Act, public agencies proposing to carry out or approve discretionary projects, as specified, are required to comply with environmental impact report requirements. A project granting an easement or franchise for the use of highway or street rights-of-way for high-speed intercity passenger rail purposes and a project granting a certificate of public convenience and necessity for a railroad corporation whose primary business is the transportation of passengers are exempted projects for the purposes of the act

This bill would repeal those exemptions The bill would thereby impose a state-mandated local program by requiring local agencies proposing to carry out or approve either of the specified projects to comply with environmental impact report requirements.

(2) Under the California Coastal Act of 1976, specified public transportation facilities are not considered public works for purposes of the act, including a railroad whose primary business is the transportation of passengers; ~~which is not considered public works or a development under the act~~* if at least 90% of its routes located within the coastal zone utilize existing rail or highway rights-of-way.

This bill would delete that exemption.

(3) The bill would also correct an obsolete cross-reference

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified

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reason

Ch. 393 (SB 593) Royce Oil well records: geothermal resources: mining and reclamation.

(1) Under the Surface Mining and Reclamation Act of 1975, the first $1,100,000 of money from mining activities on federal lands disbursed annually to the state is deposited in the Surface Mining and Reclamation Account in the General Fund and is available upon appropriation for expenditure for the purposes of that act On June 30 of each year, any portion of that money not appropriated is transferred to the unappropriated surplus of the General Fund

This bill would, operative July 1, 1986, increase to $2,000,000 the money annually deposited to the account if the amount disbursed to the state is not less than $20,000,000, and would delete the transfer of unappropriated money to the General Fund

(2) Under existing law, the State Oil and Gas Supervisor is required to establish an annual well fee to be imposed, with specified exceptions upon each producing, service, or idle geothermal well that existed at any time during the preceding calendar year to provide funds, as prescribed, for the supervision of geothermal resource wells

This bill would require the supervisor to establish penalties for late payment of the fee.

(3) The bill would transfer $363,000 from the General Fund to the account and appropriate that money from the account to the Department of Conservation in augmentation of a specified item of the Budget Act of 1985 which appropriates money from the account to the department for its support.

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

Ch 394 (SB 299) Seymour Real estate.

Existing law does not authorize the Real Estate Commissioner to impose or accept a monetary penalty in lieu of the suspension of a license of a real estate licensee

This bill would authorize the commissioner to accept the payment of a monetary penalty in lieu of suspending the license of a real estate licensee in an amount not to exceed $250 for each day of suspension or not more than $10,000 for each decision. Any money paid would be deposited in the Recovery Account of the Real Estate Fund.

Ch 395 (AB 2539) Bane State Board of Education· student member.

The provisions of existing law which relate to the appointment and term of a student member of the State Board of Education are scheduled to become inoperative on August 1, 1986, and to be repealed as of January 1, 1987.

This bill would delete those dates, thus extending the operation and effectiveness of those provisions indefinitely

This bill would clarify existing law by specifying that nothing in those provisions shall be construed to require the governing board of a school district which maintains a high school to grant voting rights to a student member serving on the school district governing board

Ch 396 (AB 29) Bane. Traffic violator schools

(1) Existing law requires the Department of Motor Vehicles to license traffic violator school owners and traffic violator school instructors

This bill would define the terms "traffic violator school," "traffic violator school branch or classroom location," "traffic violator school instructor," "traffic violator school operator," and "traffic violator school owner " The bill would impose a state-mandated local program by making it an infraction to operate a traffic violator school without a license. Under the bill, a traffic violator school owner would be required either to obtain licensure as a traffic violator school operator or to designate another person who is so licensed to personally direct and manage the traffic violator school The bill would require a traffic violator school owner's license to specify all current traffic violator school branch or classroom locations operated under the owner's license

The bill would exempt specified credentialed teachers in public schools and other public educational institutions from licensure as traffic violator school instructors when those persons are providing instruction to traffic violators in a public school or other public educational institution The bill would exempt public schools and other public

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agencies from the existing requirements for posting a bond or cash deposit and for designating the Director of Motor Vehicles as agent for service of process

The bill would require a traffic violator school owner, as a criterion of licensure, to have a classroom and a lesson plan approved by the department. The bill would revise requirements regarding the driving record of a traffic violator school instructor and would specifically require a licensed traffic violator school instructor to hold a California driver's license. The bill would revise the fee schedule applicable to a license for a traffic violator school owner, and would require licensing of, and specify fees for licensing of, a traffic violator school operator

The bill would delete existing law authorizing the department to grant a 30-day temporary permit to act as a traffic violator school instructor pending completion of a course in teaching traffic violators The bill would revise existing recordkeeping and reporting requirements applicable to a traffic violator school owner. The bill would revise criteria in existing law for suspending or revoking the license of a traffic violator school licensee for fraudulent practices The bill would delete an existing requirement that hearings provided upon refusal to issue a traffic violator school owner's or instructor's license, be heard by the director or his or her representative.

(2) Existing law authorizes a court to order a person charged with traffic violations to attend a traffic violator school or licensed driving school in lieu of adjudicating the charges, if the defendant consents Under existing law, violation of that order is a misdemeanor.

This bill would delete the authorization to make these referrals to licensed driving schools The bill would also delete the misdemeanor penalty. The bill would additionally authorize a court to order a person convicted of traffic offenses to attend a traffic violator school

(3) Under existing law, the department is required to annually publish a list of traffic violator schools

This bill would require the list to be published more often if necessary to serve the purposes of the law The bill would permit the list to identify classroom facilities within a judicial district that are at a different location from a licensed traffic violator school's principal facility The bill would require a court to use only the current department list of traffic violator schools when it orders a person to attend a traffic violator school The bill would impose a state-mandated local program by requiring a court ordering attendance at a traffic violator school to supply the person subject to the order with a copy of the department's latest list

(4) Existing law requires a traffic violator school to issue completion certificates on forms approved by the department to persons completing instruction at the school Existing law authorizes the department to charge a maximum $6 fee for issuance of a completion certificate.

This bill would require a traffic violator school to provide persons entitled thereto with completion certificates furnished by the department, rather than the school The bill would make these certificates necessary and exclusive proof of completion of instruction at the traffic violator school The bill would reduce the maximum fee for the certificate to, and would establish a fee for issuing duplicates at, $3 The bill would change the basis for setting the fee for certificate of completion The bill would prohibit a traffic violator school from charging additional fees for supplying a certificate of completion The bill would also require a traffic violator school to issue a receipt for any fee it collects from any person who registers for or attends the traffic violator school

(5) Under existing law, the department may suspend or revoke the license of a traffic violator school or traffic violator school instructor if the licensee or any employee or agent of the licensee solicits traffic violator instruction in an office of the department or in a court or within 200 feet of any office of the department

This bill would authorize that disciplinary action whenever that solicitation occurs, or traffic violator school fees are collected or preregistration performed, within 500 feet of any office of the department or within 500 feet of any court

(6) Existing law authorizes the department to monitor traffic violator schools without advance notice and also to contract with a nongovernmental entity to administer any part of the law governing licensure of traffic violator schools and instructors.

This bill would authorize the department to monitor a traffic violator school branch or classroom location without advance notice The bill would specifically authorize

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monitoring to include instruction, business practices, and business records. The bill would expressly make authority to contract for monitoring services subject to limitations in other laws respecting contracting out for services.

(7) The bill would make technical and clarifying changes in existing law regarding the licensing of traffic violator schools and traffic violator school instructors

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 397 (SB 434) Craven Taxation of mobilehomes

Under existing law, in effect as of October 1, 1984, certain mobilehomes subject to local property taxation may be reinstated to the state's vehicle license fee under the Vehicle License Fee Law if applications for reinstatement, which are required to be provided by the Department of Housing and Community Development, are filed with a postmark dated no later than December 31, 1986, and unpaid sales or use taxes, as specified, are paid.

This bill would provide that, for purposes of that law, a mobilehome which was not actually enrolled on the local property tax roll prior to October 1, 1984, shall not be subject to local property taxation as a condition of reinstatement to the license fee It would create a state-mandated program by requiring tax collectors to verify on the reinstatement application that such a mobilehome was not enrolled prior to October 1, 1984 It also would require that any license fee and penalty which would otherwise be due during the period of delinquency be paid as a condition of reinstatement to the license fee

This bill would repeal provisions which established another procedure to permit owners whose mobilehomes have become subject to local property taxation because of delinquent license fees to petition the Department of Housing and Community Development to have them subject to the Vehicle License Fee Law under specified circumstances.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

This bill would take effect immediately as an urgency statute.

Ch 398 (SB 624) Robbins California State University· trustee· investments

(1) Existing law authorizes the Trustees of the California State University to budget an amount to be expended in accordance with rules and regulations adopted by the State Board of Control for use in carrying out the community relations responsibilities of the president of each campus of the university and of the chancellor, as defined by the trustees

This bill would eliminate the requirement that trustees act in accordance with rules and regulations adopted by the State Board of Control in exercising that authority

(2) Provisions of current law in effect until January 1, 1986, authorizes the chief fiscal officer of a campus of the California State University, upon approval of the Trustees of the California State University, to invest prescribed funds received by the university into specified eligible securities and in investment certificates or withdrawal shares in prescribed federal or state credit unions.

This bill would eliminate the January 1, 1986, termination date of these provisions, thereby continuing them in effect indefinitely

(3) Existing law authorizes the trustees to approve travel and the payment of allowances and expenses related to travel, moving, and relocation of employees in accordance

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with the allowances established by the State Board of Control, and within funds appropriated for this purpose

This bill would, instead, require that this authority be exercised in accordance with the allowances established by the trustees, and within funds appropriated for this purpose.

Ch. 399 (SB 642) Royce Workers' compensation benefits.

Existing law provides that in the case of active volunteer or paid firefighting members of state and local fire departments, an injury under the workers' compensation law includes cancer which develops or manifests itself during the period of the specified employment, provided the member demonstrates exposure during the employment to a known carcinogen, as defined, which is reasonably linked to the disabling cancer.

Existing law also provides that all reimbursements to a local agency or school district or any state agency pursuant to the above provision be paid from the appropriation to the Department of Industrial Relations for the payment of additional compensation for subsequent injury.

This bill would repeal the specific requirement that these reimbursements be paid from the appropriation to the Department of Industrial Relations for the payment of additional compensation for subsequent injury, thus making the reimbursements payable under generally applicable provisions of law.

This bill would apply to all claims for these reimbursements which are filed on or after January 1, 1983.

Ch 400 (AB 1352) Mojonnier Personal income tax withholding

Existing law provides that the Employment Development Department shall have the powers and duties necessary to administer the reporting, collection, refunding to the employer, and enforcement of taxes required to be withheld by employers from employees' wages

This bill would exclude from the definition of wages in the existing law remuneration paid for any medical care reimbursement made to, or for the benefit of, an employee under a self-insured medical reimbursement plan, as specified

Ch. 401 (AB 333) Duffy Sentences enhancements

Existing law provides punishment for sodomy or oral copulation committed against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury However, other provisions of law providing for enhancements and consecutive terms in cases where there have been previous violations refer to sodomy and oral copulation in terms contained in former law under which the offense would have been committed by force, violence, duress, menace or threat of great bodily harm

This bill would conform those provisions relating to enhancements and consecutive terms to the current language relating to commission of sodomy or oral copulation by fear of immediate and unlawful bodily injury on the victim or another person, rather than by threat of great bodily harm.

The bill would take effect immediately as an urgency statute

Ch 402 (AB 2439) Clute Violent felonies penalty enhancement

Existing law, with a specified exception, requires enhancement of a prison term imposed for a defined violent felony by 3 years for each previous violent felony for which the defendant served a prison term "Violent felony" is defined to include, in part, sodomy or oral copulation by threat of great bodily harm

This bill would instead include in this definition of "violent felony" sodomy or oral copulation by fear of immediate and unlawful bodily injury on the victim or another This change would conform the above provisions on penalty enhancement to the existing definitions of the crimes of sodomy and oral copulation.

Ch. 403 (SB 1270) Lockyer. Powers of attorney.

(1) Existing law authorizes a person to establish a durable power of attorney, sets forth requirements for the establishment of a durable power of attorney, and governs the exercise of a durable power of attorney The California Uniform Durable Power of Attorney Act provides that a durable power of attorney does not include a proxy given

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by a person to another person with respect to the exercise of voting rights that is governed by another statute of California.

This bill would delete that provision, and would provide that where a durable power of attorney gives an attorney in fact the power of attorney to exercise voting rights, a proxy given by the attorney in fact to another to exercise the voting rights is subject to all the provisions of law applicable to such proxy and is not a durable power of attorney subject to the California Uniform Durable Power of Attorney Act.

(2) Existing law provides for a durable power of attorney for health care and requires a printed form of a durable power of attorney for health care that is sold for use by a person who does not have legal counsel to contain a specified warning pertaining to its execution.

This bill would make those provisions applicable not only to where the form is sold, but also where it is otherwise distributed for use by a person without a lawyer It would also make various conforming and technical revisions This bill would also provide for the use of those forms in print prior to January 1, 1986

(3) Recently enacted law sets forth forms for a statutory short form power of attorney and for a statutory form durable power of attorney for health care

The bill would make technical changes to the statutory short form power of attorney and the statutory form durable power of attorney for health care, as specified, and it would specify what constitutes "convincing evidence" of the identity of a person executing a power of attorney for purposes of these forms The bill would specify conditions under which a person acting in good faith reliance on a power of attorney is not liable to the principal or to any other person for so acting The bill would expressly authorize a power of attorney to apply to real or personal property, whenever acquired and wherever located, without an itemized description of the property in the power of attorney.

Ch 404 (AB 250) Harris Support· child and spousal.

Existing law delineates procedures for the assignment of wages for the collection of court-ordered child and spousal support obligations

This bill would revise the procedure contained in existing law for the assignment of wages for the payment of court-ordered spousal support upon a default in payments to provide, among other things, that such an assignment must be upon a petition signed under penalty of perjury alleging an arrears in payment in a sum equal to the amount of one month of the payment within the 24-month period immediately preceding filing of the petition (rather than upon a petition and a specified finding by the court of an arrearage in a sum equal to the amount of 2 months during that period), that the procedure is applicable to orders for family support, that the assignment would be without notice to the defaulting party by the court (however, a petition could not be accepted for filing unless accompanied by a declaration that notice of the intention to make such an assignment was given prior to filing the petition, as specified), revise the contents of the petition, provide for the quashing of such an order for assignment, specify the duration of any such order; provide that until January 1, 1987, an assignment may be terminated if the employer or county officer has been unable to deliver payments for a period of 6 months, as specified, rather than 3 months (on January 1, 1987, the period would revert to 3 months), which conforms these provisions with existing law relating to assignment of wages for child support payments It also would make various related changes including providing that an assignment of child or spousal support under these provisions may be to either the person to whom support has been ordered to have been paid or the county officer designated by the court to receive the payment rather than to specified officers of the court or the county officer designated by the court to receive the payment

The bill also would make further changes in Sections 4701 and 4801 6, Civil Code, contingent upon the enactment of AB 350, as specified

Ch. 405 (AB 2196) Frazee Business and professions building designers

(1) Existing law does not permit the registration of new building designers, but does provide for the registration and regulation of building designers by the Board of Architectural Examiners who were registered prior to a certain date

This bill would abolish the classification of "building designer " It would provide that

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(a) the Board of Architectural Examiners shall issue certificates to practice architecture to any person registered as a building designer on or before January 1, 1986, and (b) it is a misdemeanor, punishable as specified, for anyone, on or after January 1, 1986, to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer. The bill would impose a new program or higher level of service upon local governments by creating a new crime

(2) Existing law provides that the board shall be composed of 9 members, 3 of whom shall be architects, one of whom shall be a building designer, and 5 of whom shall be public members. One of the architect members is required to be resident and in practice in southern California and another of the architect members is required to be resident and in practice in northern or central California

This bill would replace the building designer member of the board with an architect member, except with respect to the current building designer member It would require all professional members of the board to be resident and in practice in California

(3) This bill would make conforming changes

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 406 (AB 541) Jones Schools school buildings approval of plans and specifications.

(1) Existing law requires the Department of General Services to pass upon and approve or reject and to supervise the reconstruction, alteration of, or additions to, any school building, as defined, if the estimated cost exceeds $20,000 to ensure that plans and specifications conform to the applicable rules, regulations, and building standards, and that the work has been performed in accordance with those plans and specifications. Existing law exempts specified buildings, including, among other things, a greenhouse which is used exclusively for the cultivation or protection of agricultural or horticultural products, from the definition of the term "school building" for purposes of the approval and supervision of the plans and specifications of school buildings

This bill would delete the statutory reference to greenhouses and, instead, would exempt agricultural facilities that were not built for classroom purposes and which are used primarily for plant and animal production or the storage of materials, equipment, and supplies involved in that production from the definition of school building for purposes of these provisions

This bill would also exempt animal kennels and facilities used to house animals as part of an animal health instruction program offered by community college districts, from the definition of school building

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

Ch 407 (AB 87) O'Connell Vehicles truck inspections construction of facility.

(1) Existing law provides for the operation and maintenance of vehicle inspection facilities and scales for purposes of weighing vehicles at various locations throughout the state

This bill would appropriate $3,000,000 from the Special Account for Capital Outlay in the General Fund to the Department of Transportation for allocation by the California Transportation Commission for the construction of one or more of those facilities on major state highway routes connecting a major metropolitan area where hazardous wastes are generated and a class I disposal site, as determined by the commission, after the commission has included the project or projects in the state transportation improvement program The bill would give this appropriation priority over other appropriations and transfers from that account However, the bill would require the department to seek a federal grant or grants pursuant to a specified federal law to wholly or partially fund the projects and to reimburse the account from any grant money received

(2) Existing law specifies the purposes for which fines and forfeitures collected upon conviction or upon forfeiture of bail in a municipal or justice court may be used by the county

This bill would include among those purposes the reimbursement of the state by a

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county for the construction of platform scales and vehicle inspection facilities in the county

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

Ch 408 (AB 2023) Papan Medi-Cal bone marrow transplants

Existing law provides that, in addition to other authorized bone marrow transplants, for persons under 21 years of age, bone marrow transplants will be provided under the Medi-Cal program if specified conditions are met

This bill would eliminate the limitation upon the provision of these bone marrow transplants to persons under 21 years of age

This bill would take effect immediately as an urgency statute.

Ch 409 (AB 426) Felando Sardines

Under existing law, until July 1, 1986, 75 tons of sardines may be taken and possessed for live bait purposes in any calendar year, in addition to other authorized taking, under a permit issued by the Department of Fish and Game

This bill would, instead, make this provision inoperative on July 1, 1988, and would repeal it as of January 1, 1989 The bill would also increase the quantity of sardines authorized to be taken for live bait purposes to 150 tons per calendar year

Ch 410 (AB 1578) Ferguson State contracts

Existing provisions of the State Contract Act authorize the director of a state department, as specified, when awarding a contract, to reject all bids and proceed by day's labor or advertise for other bids, if the director deems that the acceptance of the lowest responsible bid or bids is not for the best interests of the state

This bill would require the director to state his or her reasons for rejecting the bids.

Ch 411 (SB 741) Carpenter Veterans Memorial Commission

Existing law provides for the Vietnam Veterans Memorial Commission and directs the commission to design, construct, and dedicate a memorial on the State Capitol grounds to Vietnam veterans Existing law terminates the existence of the commission on January 1, 1986

This bill would create the Veterans Memorial Commission and provide for its composition and duties The bill would authorize construction of a memorial to veterans generally 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 Veterans Memorial Account in the General Fund and would require the deposit of all funds received by the commission under the bill in the account The bill would prohibit the commission from soliciting or receiving funds for construction of the memorial until the Vietnam Veterans Memorial Commission has completed construction of a memorial to California's Vietnam veterans The bill would continuously 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 become operative on July 1, 1986, and would make these provisions inoperative on July 1, 1988, and repeal them on January 1, 1989

Ch 412 (AB 574) Wyman Restitution

Existing law provides that a criminal judgment for a fine may be enforced in the manner provided for the enforcement of money judgments generally

This bill would provide that an order of restitution imposed as a condition of probation may be enforced in the same manner provided for the enforcement of money judgments

Under existing law, in a civil action, interest accrues at the rate of 10% per annum on the principal amount of a judgment remaining unsatisfied

This bill would authorize the court to order the defendant to pay interest at the rate of 10% per annum in any case in which the defendant is ordered to pay more than $50 in restitution as a condition of probation

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Ch. 413 (AB 1040) Jones Worker safety.

Existing law requires installed tanks, as defined, to be inspected by the Division of Occupational Safety and Health at least every 5 years, except that any air pressure tank which contains 25 cubic feet or less and is not subject to pressure of more than 150 pounds per square inch shall be inspected only when initially placed into service, if the tank meets specified standards.

This bill would add to the above exception any liquefied petroleum gas tank used for storage, except a tank used for dispensing purposes as part of a dispensing unit, as defined, which contains 575 gallons or less

Existing law also provides that if a tank is found to be in a safe condition for operation, a permit shall be issued for its operation, as specified In addition, each permit shall be posted under glass in a conspicuous place on or near the tank or boiler covered by it

This bill would provide, instead, that the permit or a clear reproduced copy thereof shall be posted in a protective container in a conspicuous place on or near the tank or boiler covered by it

This bill also would make nonsubstantive, technical changes.

Ch 414 (AB 1025) Sher Air pollution· penalties

(1) Under existing law, any person who violates any statutory provision relating to nonvehicular air pollution control, or any order, rule, or regulation of the State Air Resources Board or of an air pollution control district or air quality management district relating to nonvehicular air pollution control is guilty of a misdemeanor

This bill would impose a state-mandated local program by creating new misdemeanors for a violation of state board or district permit requirements and of any order, rule, or regulation of a district hearing board, and for a violation of additional statutory provisions relating to general air pollution control ~~and~~ [implemented by]* state board and district regulatory requirements.

(2) Under existing law, any person who violates specified statutory provisions relating to the discharge of air contaminants, who violates specified orders of the Great Basin Air Pollution Control District, or who violates any rule or regulation of a district or the state board relating to nonvehicular air pollution control is liable for a civil penalty not to exceed $1,000 for each day in which the violation occurs

This bill would also make a person liable for the civil penalty if the person violates any statutory provision relating to nonvehicular pollution control or any order, permit, rule, or regulation of a district, including a district hearing board, or the state board relating to general air pollution control, state board and district regulatory requirements, and nonvehicular air pollution control

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 415 (SB 337) Roberti Simon Wiesenthal Center New Museum of Tolerance appropriation.

Existing law makes no provision for an appropriation to the Simon Wiesenthal Center for purposes of building the Simon Wiesenthal Center new Museum of Tolerance and acquiring exhibits to be housed therein relating to man's inhumanity to man

This bill would make certain legislative findings and declarations and express the intent of the Legislature with regard to the new Museum of Tolerance. The bill would also provide for a $5,000,000 appropriation for these purposes. The bill would also provide that appropriated funds may not be encumbered unless the State of California and the Simon Wiesenthal Center execute a specified agreement. This agreement would require, among other things, the Simon Wiesenthal Center to raise and encumber $5,000,000 of funds from private sources for building, or acquiring exhibits for, the new Museum of Tolerance Under the agreement, the Simon Wiesenthal Center would be required to repay, as specified, to the State of California any portion of the $5,000,000 not matched dollar-for-dollar by private funds.

The bill would also require the Simon Wiesenthal Center to report to the Legislature on the status of the funding arrangements of the new Museum of Tolerance on or before March 1, 1987

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Ch 416 (AB 675) Hannigan. Veterans: Cal-Vet purchases.

Under existing law, the Department of Veterans Affairs provides farm and home purchase assistance to qualifying veterans under the Veterans' Farm and Home Purchase Act of 1974. Formerly, these benefits were provided under the Veteran's Farm and Home Purchase Act of 1943, and although no contracts are being issued under the 1943 act, contracts of purchase are still outstanding under that act. These benefits are collectively known as "Cal-Vet" benefits.

(1) This bill would provide that a person whose only military service during a qualifying period of service was as a student at a military academy and who failed to complete the course of study and did not serve on active duty is not a "veteran" for purposes of qualifying for Cal-Vet benefits.

(2) The bill would require the department, if there is any conflict between the Cal-Vet provisions and the federal Mortgage Subsidy Bond Tax Act of 1980 or related provision or regulation, to comply with that federal law or regulation so as to preserve the tax-exempt status of Cal-Vet bonds.

(3) The bill would define, for purposes of both the 1943 and 1974 acts, a purchaser's immediate family to mean the spouse of the purchaser, natural or adopted dependent children of the purchaser, and parents of the purchaser if dependent on the purchaser for at least half their support

(4) The bill would delete a provision requiring the department to charge the purchaser of a mobilehome under the Cal-Vet provisions a $75 fee for the department's final inspection

(5) The bill would delete a provision authorizing the department to acquire a farm in which the purchaser has previously acquired an interest.

(6) The bill would revise the provisions of law regarding insurance against loss to require the purchaser to keep all improvements, including crops, insured and to require the policy to be written with any loss payable to the department and the purchaser as their interests may appear The bill would permit the department to establish the initial minimum amount of insurance necessary to protect its interests and require the purchaser to obtain not less than that amount of insurance, specifying that the purchaser is solely responsible for additional insurance necessary to protect his or her interest.

(7) The bill would delete a provision permitting the department to acquire a home in which the purchaser has a prior interest where the Cal-Vet application is to pay the balance due on an existing loan not insured or guaranteed by the federal government and bearing an interest rate more than 2% over the prevailing Cal-Vet rate

(8) The bill would revise a provision requiring the department to set aside 10% of the aggregate amount of each Cal-Vet bond act for 2 years after the first issue of bonds under the act for purposes of the construction or purchase of homes equipped with solar energy heating devices to require instead that the department set aside 2.5% of the amount of each issue of bonds for a one-year period for this purpose

(9) The bill would also delete certain obsolete provisions and recast other provisions for clarity without substantive change

Ch. 417 (SB 13) Stiern. Parks and recreation. local assistance

Under the Z'berg-Collier Park Bond Act, a local assistance grant was made to the Yermo Community Services District for the development of East Park.

This bill would authorize the district to sell the property comprising the park if the district (a) sells the property for at least fair market value, but not less than a specified amount, (b) uses the proceeds of the sale for replacement park and recreation facilities in the district and returns any proceeds not so used to the Department of Parks and Recreation 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.

The bill would take effect immediately as an urgency statute

Ch 418 (AB 944) Kelley Environmental impact reports: tiering.

(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 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 Public agencies are

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authorized to tier, as defined, those reports whenever possible and where a prior report has been prepared for a program, plan, policy, or ordinance, the lead agency for a later project that meets specified requirements is authorized to examine significant effects of the later project upon the environment, with exceptions, by using a tiered report.

This bill would require that those reports be tiered whenever feasible, as determined by the lead agency The bill would require public agencies to use a tiered report to examine the significant effect of a later ~~report~~ [project]* where a prior environmental report has been prepared and certified for a program, plan, policy, or ordinance, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 419 (AB 1080) McAlister. Family law

Existing law specifies that it is the duty of the father, the mother, and the children of any person in need who is unable to maintain himself or herself by work, to maintain that person to the extent of their ability

This bill would authorize the superior court, in proceedings under the Family Law Act, to inquire into and render any judgment, and make such orders as are appropriate regarding the custody and support of children for whom support is authorized under the above provision It also would authorize the court in a proceeding where the support of such a child is at issue to order either or both parents to pay any amount necessary for his or her support, maintenance, and education It also would specify that when the court orders a person to make payments for the support of such a child until the child's death or the occurrence of a specified event as to that child, the liability of the person so ordered terminates upon that contingency.

Existing law authorizes a court to approve a stipulated agreement by the parties to pay child support for the support of any adult children who are unable to provide for their own support

This bill would delete the qualification that the adult children must be unable to provide for their own support.

Under existing law, a court is required to divide the community property and the quasi-community property of the parties to a proceeding for dissolution of marriage or legal separation equally, except as specified A court may issue an order awarding temporary use of the family home to the party having custody of the minor children if it finds that delay in the sale of the home is an equitable method of minimizing the adverse impact of the dissolution or legal separation on the welfare of the children. Such an order is known as a "family home award."

The bill would revise the statutory definition of "family home award" to provide that the children may be minors or children to whom a duty of support is owed because of their inability to maintain themselves by work

Ch. 420 (AB 759) Farr. Marina County Water District· waste water treatment plants

(1) Existing law requires that a general district election to elect members to the governing boards of special districts be held on the 1st Tuesday following the 1st Monday in November of each odd-numbered year.

This bill would allow the governing board of the Marina County Water District to revise the date for the conduct of its elections to either the day of the statewide direct primary election or the day of the statewide general election.

The bill would also make a statement of legislative intent that a general statute cannot be made applicable, based upon specified facts.

(2) Existing law requires supervisors and operators of municipal waste water treatment plants to possess a certificate of competency issued by the State Water Resources Control Board and also requires that these certificates be renewed biennially, subject to compliance with the state board's requirements.

This bill would include supervisors and operators of private utility waste water treatment plants, as defined, within these provisions. The bill would authorize the state board

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to refuse to grant, suspend, or revoke the certificate, or to reprimand or place on probation, the certificate holder upon any reasonable ground, including specified reasons. The bill would require that the state board conduct its proceedings, in exercising this authority, in accordance with rules adopted by the state board.

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

Ch. 421 (SB 1282) Marks Alcoholic beverages.

Existing law prohibits any person from, among other things, selling alcoholic beverages unless licensed by the Department of Alcoholic Beverage Control and prohibits a licensee from purchasing alcoholic beverages except from a person licensed to sell alcoholic beverages

This bill would authorize any nonlicensed person owning bottled white, rose, or sparkling wine not less than 5 years old or bottled red wine not less than 10 years old, purchased at retail, to sell that wine to a licensee authorized to sell that wine, as specified.

Ch 422 (AB 1913) Tucker. Respiratory therapy

Existing law provides that any person engaged in the practice of respiratory therapy on January 1, 1983, may continue in that practice until January 1, 1985, without a certificate as a respiratory care practitioner.

This bill would provide that a person who has filed an application for a certificate prior to June 30, 1985, may perform as a respiratory care practitioner certification applicant, as specified, until the certificate is issued but in no event beyond September 28, 1985 The bill would also authorize every graduate of an approved program who has filed an application to engage in that practice until the date of his or her certificate is issued unless the applicant fails to take the next succeeding examination

Existing law specifies the fees relating to the practice of respiratory care

This bill would add to those fees, a fee for the approval of education training programs, an examination fee, and a renewal fee for providing continuing education.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Respiratory Care Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

The bill would make other technical changes.

The bill would take effect immediately as an urgency statute

Ch 423 (AB 248) Harris. Narcotics task force

Existing law regulates, among other things, the manufacture, transportation, sale, possession, and use of narcotics, as specified.

This bill would make a legislative finding and declaration that there exists a serious narcotics crimes enforcement problem affecting urban areas throughout the state. The bill would create a 2-year pilot project, operative only in Alameda County and known as the Targeted Urban Crime Narcotics Task Force, to test and establish effective organizational and operational techniques that will have statewide application in the prevention, enforcement, and prosecution of crimes involving narcotics The bill would set forth the composition, goal, and objectives of the pilot project

The bill would provide that moneys provided for the project shall be administrated by the Office of Criminal Justice Planning, which would be required to monitor the progress of the project and submit reports to the Legislature, as specified.

The bill would appropriate $2,000,000 on the effective date of the bill and $2,000,000 one year from the effective date of the bill from the General Fund to the Office of Criminal Justice Planning for the purposes of the bill The bill would provide that the appropriated funds shall not be allocated unless Alameda County agrees to provide 25% local matching funds.

The bill would provide that it shall become inoperative on October 1, 1987, and, as of January 1, 1988, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1988, deletes or extends the dates on which it becomes inoperative and is repealed.

The bill would take effect immediately as an urgency statute

NOTE: Superior numbers appear as a separate section at the end of the digests.

Ch 424 (AB 1271) Agnos Pharmacists: registration requirements

Existing law requires an applicant for registration as a pharmacist to satisfy specified requirements including, among others, (1) for certain applicants, graduation from a college of pharmacy or department of pharmacy of a university recognized by the California State Board of Pharmacy, which school or college of pharmacy or department of pharmacy of a university requires a resident attendance of not less than 8 calendar months of each year of its course, and (2) completion of 3,200 hours of coursework in pharmacy

This bill would revise those provisions to (1) no longer specify that the college of pharmacy or department of pharmacy of a university shall require a resident attendance of not less than 8 calendar months of each year of its course and (2) delete the requirement that applicants for registration as pharmacists must complete 3,200 hours of coursework in pharmacy The bill would, instead, require all applicants for registration as pharmacists to have completed at least 150 semester units of collegiate study in the United States, or the equivalent thereof in a foreign country No less than 90 of those semester units shall have been completed while in resident attendance at a school or college of pharmacy The bill would also require all applicants for registration as pharmacists to have earned at least a baccalaureate degree in a course of study devoted to the practice of pharmacy

Ch 425 (SB 494) Maddy Medi-Cal

Existing law provides that the Medi-Cal card is authorization for payment for health care services rendered.

This bill would require the Medi-Cal card to be signed and dated in a space provided on the card by the beneficiary upon receipt of the card and prior to presentation of the card for any service This provision would not apply to persons 17 years of age and under, and persons in long-term care. This bill would also require the provider to make a good faith effort to verify a beneficiary's identity, if not known to the provider, prior to rendering any Medi-Cal reimbursable services This provision would not apply to persons receiving emergency services, persons 17 years of age or younger, or persons in long-term care It would also permit the provider to submit machine-reproduced copies of the beneficiary Medi-Cal card under specified conditions

Existing law requires the State Director of Health Services to determine which of the permitted utilization controls shall be applied to specific services or groups of services Existing law also provides, with respect to the Medi-Cal program, that prior authorization is not required for the first 2 outpatient services per month or for the first 2 drug prescriptions purchased during any one month

This bill would provide that the provision of services to beneficiaries may be subject to utilization controls, and would permit the director, with respect to individual beneficiaries, to place a beneficiary on utilization controls, restrict the beneficiary to receiving fee for service Medi-Cal benefits through one provider, or restrict the recipient's eligibility for medical assistance benefits. These provisions would not apply, however, in any instance in which a bona fide emergency exists

Ch 426 (AB 395) Floyd. Recreational vehicles. certificates of origin.

Existing law requires the manufacturer or fabricator of a trailer coach, camp trailer, or housecar manufactured or fabricated on or after July 1, 1975, and ~~which is~~* offered for sale in this state, to prepare a certificate of origin for the vehicle Under existing laws, the certificate of origin must accompany an application made to the Department of Motor Vehicles for original registration or for an original certificate of ownership If the original certificate of origin is not in existence, existing law requires a duplicate to be prepared and submitted with the application

This bill would repeal those provisions.

Ch 427 (SB 438) Boatwright. Property taxation. fire protection devices and improvements

Existing provisions of Article XIII A of the California Constitution limit ad valorem taxes on real property to 1% of its full cash value "Full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. These provisions also permit the Legislature to provide that the term "newly constructed"

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shall not include the construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvement, as defined by the Legislature, which is constructed on or after November 7, 1984

This bill would define "fire sprinkler system," "other fire extinguishing system," "fire detection system," and "fire-related egress improvement" for purposes of excluding these items from "new construction " This bill would specify that the exclusion of these items from "new construction" is dependent upon their construction or installation in an existing building, as defined, and would specify when these items shall be deemed to have been constructed or installed on or after November 7, 1984

This bill would take effect immediately as an urgency statute and would apply to assessments for the 1985–86 fiscal year and fiscal years thereafter.

Ch. 428 (AB 90) McAlister Workers' compensation medical-legal expenses.

Existing law provides that, in accordance with the rules of practice and procedure of the Workers' Compensation Appeals Board, an employee or the dependents of a deceased employee, shall be reimbursed for his or her medical-legal expenses, as defined, which are reasonably, actually, and necessarily incurred, in connection with a contested workers' compensation claim.

This bill would include medical records within the definition of medical-legal expenses.

Existing workers' compensation law requires the administrative director to annually publish the range of industrial medical-legal fees charged by independent medical examiners

This bill would instead require the administrative director to annually publish the range of fees for initial comprehensive industrial medical-legal reports charged by independent medical examiners

The bill would impose a state-mandated local program by requiring local public agencies to pay higher amounts in workers' compensation medical-legal services.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would also reappropriate $59,929 originally appropriated in the Budget Act of 1980 for a grant to the City of Fremont for Williams Historical Park to the Department of Parks and Recreation for a grant to the City of Fremont for the Olive Hyde Community Center Courtyard.

This bill would take effect immediately as an urgency statute.

Ch. 429 (AB 278) Stirling. State employees: injured or disabled: disability retirement

(1) Under the existing law, various services and programs are provided for disabled state employees.

This bill would require each state agency to report to the Department of Personnel Administration by July 1, 1986, on its level of compliance, as specified, with the Injured State Worker Assistance Program guidelines issued by the Department of Personnel Administration, as specified.

(2) The Public Employees' Retirement Law requires the system to make various reports on various matters

This bill would require the system to annually file with the Legislature and each appointing power and other appointing authority a separate report on the number of new state retirees, by individual state employer, that are processed in the immediately preceding fiscal year to the service, disability, and industrial disability retirement rolls and on the incurred cost, as defined, of the system for disability retirement of state members, as specified

(3) This bill would appropriate $43,000 from the Public Employees' Retirement Fund to the system for implementation of item (2) above

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Ch 430 (AB 1517) Frizzelle Prisoners

Existing law provides that when there are reasonable grounds to believe that there are prisoners in the county jail acting in concert who are likely to be a threat to others or to cause substantial damage, the judge of the superior court may, upon request of the sheriff, designate a state prison or facility for confinement of those prisoners

This bill would instead provide for the designating of a state prison or facility for confinement of a prisoner where there are reasonable grounds to believe the prisoner is likely to be a threat to others or to cause substantial damage

Under existing law, the county board of supervisors may authorize the sheriff or other appropriate official to offer prisoners in a county jail who are determined to be fit subjects to perform 10 hours of labor on public work or way projects in lieu of one day of confinement under rules and regulations as the board may prescribe.

This bill would authorize county correctional officials to provide for a minimum of 8 and a maximum of 10 hours of labor, as specified

Under existing law, any person who willfully violates his written promise to appear as specified in a notice required as a condition of participation in the work program is guilty of a misdemeanor

This bill would provide for the rearrest of these persons for a failure to appear or a failure to perform work, as specified The bill would make related changes.

Ch. 431 (AB 491) Moorhead Animal health technicians.

Existing law provides that the membership of the 8-member Animal Health Technician Examining Committee shall consist of 3 veterinarians, 3 public members, and 2 animal health technicians, and prescribes the duties of that committee.

This bill would revise the membership of the committee by decreasing the number of public members to 2, and increasing the number of animal health technician members to 3. The bill would also require the committee to assist the Board of Examiners in Veterinary Medicine in the inspection and approval of all schools or institutions offering a curriculum for training animal health technicians.

Ch. 432 (AB 614) Bader Dentistry.

Existing law sets forth a list of activities which constitute unprofessional conduct for dentists, for which a dentist's license may be revoked or suspended.

This bill would add to the list of activities the failure to use a fail-safe machine, with an appropriate exhaust system, in the administration of nitrous oxide. The bill would require the Board of Dental Examiners to define, by regulation, what constitutes a fail-safe machine.

Ch. 433 (AB 77) Stirling. Padre Dam in San Diego County: appropriation.

Under existing law, there is the Special Account for Capital Outlay in the General Fund.

This bill would appropriate $200,000 from the account to the Department of Parks and Recreation for a grant to the City of San Diego for the initial phase of the restoration of Padre Dam in San Diego County, as specified.

The bill would also make legislative findings and declarations relating to Padre Dam.

The bill would take effect immediately as an urgency statute.

Ch 434 (AB 899) Hauser. Geothermal resources: leases. reduced royalty.

The Geothermal Resources Act requires prospecting permits and resulting leases for the development of geothermal resources to include, among other things, a royalty of not less than 10% of gross revenue, as specified. However, the act authorizes the State Lands Commission to waive, suspend, or reduce the rental or minimum royalty for lands included in a permit or lease if the commission determines that the action is necessary or beneficial to promote development.

This bill would also authorize the commission to issue leases for direct heat application of geothermal resources for nonelectrical purposes for a royalty of less than 10% of gross revenue if it determines that such a royalty would be in the best interests of the state.

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Ch. 435 (SB 651) Nielsen. Hydrilla eradication

Under existing law, the Director of Food and Agriculture is required to take any steps necessary to accomplish the eradication of the plant Hydrilla in cooperation with federal, state, and local agencies.

This bill would appropriate $667,000 from the General Fund to the Department of Food and Agriculture for allocation by the director pursuant to a specified schedule to enable the department to assist the Sonoma County Water Agency in eradicating an infestation of Hydrilla.

The bill would also require the department to report to the Legislature by December 1, 1985, regarding standards and guidelines it will use to determine when and under what circumstances it will undertake future hydrilla eradication projects and funding sources other than the General Fund which can be used for those efforts.

The bill would take effect immediately as an urgency statute.

Ch 436 (SB 346) Marks Gill and trammel nets.

(1) Existing law requires the Department of Fish and Game to make specified studies on the use of gill nets and make a specified report on permits by June 1, 1985, and another on January 1, 1987.

This bill would, instead, require the report on those permits by June 1, 1986.

(2) Under existing law, until April 1, 1985, a person is required to have a special permit to use set gill or trammel nets in Districts 10 and 17 and a specified portion of District 18. The qualifications for a special permit include, among other things, that a person has made one or more deliveries of specified fish in a specified period of time which were taken with such a net in Districts 10 and 17, or alternatively, that the person has made an investment of not less than $2,000 in a specified net or a reel for recovery of the net, or both the net and reel, and demonstrates familiarity with the area, as specified

This bill would change the qualifications for a special permit issued before March 31, 1986, to a person who possessed a special permit under this provision as amended by Chapter 366 of the Statutes of 1984 or to a person who is designated as an owner or operator, as specified, who has a general gill and trammel net permit, and who either landed specified fish taken in specified waters between January 1, 1982, and September 13, 1984, or made a specified investment and landed fish other than specified fish taken in specified waters in 1983 and before September 13, 1984.

The bill would also specify qualifications for a special permit issued after March 31, 1986.

The bill would authorize a permittee to designate co-permittees of specified qualifications who may become principal permittees under specified conditions, including being designated as a co-permittee before April 1, 1986. The bill would authorize a co-permittee to fish without the principal permittee or other co-permittees present if in possession of the special permit.

The bill would authorize the department to revoke or suspend the special permit on conviction of any of specified persons of specified laws or conditions of the special permit. The bill would authorize appeal of a denial of a special permit to the Director of Fish and Game under specified conditions.

The bill would also extend the special permit requirement under this provision to April 1, 1989.

(3) Existing law prohibits the use of gill and trammel nets with less than 8-inch mesh length in specified portions of District 10 and authorizes, generally, set gill nets in other specified areas.

This bill would revise those prohibited and authorized areas

(4) Under existing law, a violation of the provisions of the Fish and Game Code is a misdemeanor.

This bill would impose a state-mandated local program by creating a new crime on and after April 1, 1985, by extending the prohibition in the bill and by changing the definitions of other crimes.

(5) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would make the money available for a new purpose, it would constitute an appropriation.

(6) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 437 (AB 455) Papan Public liability· Department of Motor Vehicles

Under existing law, a public entity is generally not liable for an injury caused by the issuance, denial, suspension, or revocation of, or the failure to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization where the determination to issue, deny, suspend, or revoke the authorization is authorized by statute

This bill would provide that the Department of Motor Vehicles is liable for an injury to a lienholder or a good faith purchaser of a vehicle proximately caused by the department's negligent omission of the lienholder's name from an ownership certificate issued by the department, not to exceed the vehicle's actual cash value.

The bill would state the intent of the Legislature that the bill does not constitute precedent for extension of state liability to other areas

Ch. 438 (AB 1450) Killea International trade.

Existing law provides for the Business, Transportation and Housing Agency which consists of various departments including the Department of Commerce which has various responsibilities concerning international trade.

Existing law provides for the California State World Trade Commission with specified duties concerning international trade and international tourism as it relates to the overall growth of California's economy

This bill would appropriate $1,500,000, as specified, from the Special Account for Capital Outlay within the General Fund to the Business, Transportation and Housing Agency to permit the State of California to participate in the 1986 World Exposition in Vancouver, British Columbia, Canada

In addition, the bill would appropriate $100,000, as specified, from the General Fund to the California State World Trade Commission Fund to permit the state to participate in the 1985 Asia and Pacific International Trade Fair in Beijing, China.

In addition, the bill would take effect immediately as an urgency statute.

Ch 439 (AB 943) Papan Outdoor advertising.

The Outdoor Advertising Act prohibits, with exceptions, the compelled removal of a lawfully erected advertising display without payment of compensation

This bill would provide that a requirement by a government entity to remove a lawfully erected display for a permit, license, or approval for any use, structure, development, or activity other than a display would constitute a compelled removal requiring compensation unless the building or structure cannot be built without physically removing the display.

Ch. 440 (AB 836) Mojonnier Juvenile court law

Under existing law, at the initial hearing on a petition to adjudge a minor a dependent child of the juvenile court, the court is required to order the minor released from custody unless it finds any one of several circumstances to exist.

This bill would enlarge these circumstances to include a finding that continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor.

Existing law requires the provision of child welfare services to a dependent child of the juvenile court who has been removed from parental custody and his or her parents or guardians for the purpose of facilitating reunification of the family, as specified

This bill would provide that services need not be ordered when the court finds any one of several specified facts to exist. It also would authorize a court to consider evidence of past efforts made to facilitate the reunification of a parent and any other of his or her children in making determinations with regard to reunification services.

Under existing law, a minor adjudged to be a dependent child of the juvenile court may not be taken from the physical custody of his or her parents or guardians unless the court finds clear and convincing evidence of any one of several specified circumstances,

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such as substantial danger to the minor's physical health or that the minor is suffering severe emotional damage, as specified

This bill also would allow removal from the physical custody of a parent or guardian upon a finding that the minor has been left without any provision for his or her support and there is no parent or guardian available to maintain care, custody, and control of the minor, due to specified circumstances

Ch. 441 (AB 467) Hannigan Property taxation.

Existing provisions of Article XIII A of the California Constitution provide that the full cash value base of real property may be reduced to reflect substantial damage, destruction, or other factors causing a decline in value Existing statutory law implementing the constitutional provisions provides that for each lien date after the lien date in which the base year value of real property is determined pursuant to certain statutory provisions, the taxable value of real property shall be the lesser of various specified values, including its fair market value as of the lien date taking into account reductions in value due to damage, destruction, depreciation, obsolescence, or other factors causing a decline in value

This bill would include the removal of property within the enumeration of factors causing a decline in value

Existing provisions of Article XIII A of the California Constitution preclude the levy of ad valorem taxes on real property in an amount in excess of 1% of its full cash value. In general, the full cash value of real property is its 1975 value, increased by an inflationary rate not to exceed 2% each year, or its appraised value when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment.

Existing law requires the assessor to appraise new construction resulting from "actual physical new construction" on a site at its full cash value when the new construction is completed

This bill would include the removal of a structure from land within the meaning of the term "actual physical new construction" for purposes of that law.

Existing law requires the preparation of a supplemental tax bill for fixtures, other than fixtures which are included in a change of ownership or which are included in a structure and are assessed at the completion of the new construction of the structure, based on the value of the fixtures added and subtracted from real property.

This bill would provide that for the purpose of computing the value of these fixtures, the value of a removed fixture shall be included in the computation, whether or not the removal is associated with other new construction

Existing law requires the auditor of each county to furnish, to the Superintendent of Public Instruction on or before April 15, the estimated amount of certain specified property tax receipts of each school district situated within his or her county

This bill would require the auditor to furnish a second report on or before November 15, thereby imposing a state-mandated local program

Under existing law, for property taxes due for the 1985–86 fiscal year and fiscal years thereafter, blind and disabled citizens, as defined, who own a residential dwelling, as defined, may apply for postponement of the property taxes in the same manner as qualified persons 62 years of age or older

This bill would make clarifying changes to the meaning of the term "claimant" for purposes of that law

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

The bill would take effect immediately as an urgency statute

Ch 442 (AB 932) Connelly. Petroleum franchises. leased marketing premises

Existing law provides that, in the case of leased marketing premises which a petroleum franchisor leases from a third party, the franchisor, upon withdrawing from a

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marketing area, shall make a bona fide offer to sell to the franchisee any interest the franchisor may have in the improvements on the premises, other than specified items

This bill would require the franchisor to offer to sell the interest in the improvements at a price not to exceed the fair market value of the improvements or the book value, whichever is greater The term "book value" would be defined, as specified

Ch 443 (AB 328) Lancaster. Title insurance· division of fees

Existing law, with respect to a division of fees or charges, requires a title insurer to specify on any title policy, either in a single amount or by itemization, the entire charge to obtain the policy including charges made by an underwritten title company for title search, title examination, and certificate or abstract of title If specified as a single amount, the charge must be clearly described as the total for both title insurance fee and title search or examination, or abstract of title, as the case may be, of any underwritten title company

This bill would instead require only that the entire charge made to obtain a title policy be set forth on the title policy.

Ch. 444 (AB 1399) Mojonnier Depositions.

Existing law permits the videotaping of a deposition but provides that the cost of the videotape portion of the deposition is not a recoverable cost of suit Existing law also provides that a deposition may be taken before a notary public, judge, or other specified person

This bill would allow as a recoverable cost the cost of videotaping a deposition and would require that the videotape operator be one of those persons before whom a deposition may be taken

Ch 445 (SB 151) Stiern Milk and milk products

(1) Under existing law, the Director of Food and Agriculture may designate and assign a county- or city-approved milk inspection service for the purpose of grading market milk and inspecting dairy farms which are producing market milk or milk products plants which are processing or handling market milk and related products Also, under existing law, violations of the requirements of the Food and Agricultural Code are crimes

This bill would delete the authority for a city to maintain an approved milk inspection service The bill would generally exclude milk processing plants, except for specified establishments, from the jurisdiction of any approved milk inspection service maintained by a county

The bill would require the director, in all areas, to establish and conduct a milk inspection service for inspection of milk products plants, and for inspection of the facilities of distributors that obtain milk and milk products from a milk products plant not subject to the jurisdiction of the director The bill would impose a state-mandated local program by requiring every person to obtain a permit, as prescribed, from the director before engaging in the business of processing or distributing market milk The bill would require the director to establish and conduct a service for the inspection of dairy farms in areas in which an approved milk inspection service has not been designated

(2) Under existing law, every person that is engaged in the production, sale, or distribution of market milk outside the jurisdiction of any approved milk inspection service is required to pay an inspection fee to the director, which may not exceed the actual directly related costs, but which in no case may exceed certain specified limits

This bill would impose a state-mandated local program by expressly requiring every person engaged in the processing, manufacture, or distribution of milk, milk products, or products resembling milk products to pay the inspection fee to the director The bill would delete the maximum allowable limits on the fees for milk plant inspection, but would prohibit those fees from exceeding actual directly related costs, as described, for inspection of the plants or facilities

The bill would permit any person subject to state inspection fees to file with the director a written protest as to the reasonableness of any fee, and would provide for a hearing on the protest in accordance with prescribed requirements

(3) The bill would also make numerous related changes.

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(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 446 (AB 273) Jones Manufacturing milk handlers

(1) Existing law does not provide for the issuance of a manufacturing milk handler's license.

This bill would require any person who handles manufacturing milk and who is not otherwise licensed as a market milk handler to obtain a license, to be renewed annually, from the Director of Food and Agriculture for him or herself and for each plant that the handler owns or operates. Failure to obtain a license would be a misdemeanor, thus this bill would impose a state-mandated local program by creating a new crime. The license applicant would be required to pay a fee of $3 for the initial license and for each renewal. The fees would be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated to the department, and would thus constitute an appropriation. License revocation procedures would also be revised and specified.

(2) Existing law would include as class 1 milk, on January 1, 1986, certain market milk products which are sterilized, as specified, and sold for use outside the state.

This bill would delete that provision

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 447 (AB 914) N Waters Water quality Lake Tahoe watershed

Under existing law, effluent from waste produced in the Lake Tahoe watershed is required to be transported out of the watershed California regional water quality control boards for specified regions are empowered to prescribe waste discharge requirements. However, that authority does not limit the power of a city or county to adopt additional regulations, not in conflict with regional board requirements, imposing further conditions, restrictions, or limitations with respect to the disposal of waste or any other activity which might degrade water quality

This bill would provide that the regional board for the Lahontan region has exclusive authority to prescribe, under existing law, waste discharge requirements for treated sewage effluent transported out of the watershed to Alpine County within the Lahontan region, including requirements pertaining to the storage of the effluent, the receiving waters, and the disposal areas

Ch 448 (AB 334) McAlister. Unemployment compensation· reserve balance accounts.

Under existing law, the rate of employer contributions to the Unemployment Fund for purposes of funding unemployment compensation benefits during a calendar year depends on the amount of the balance in the fund as determined on the computation date and, commencing September 20, 1984, the amount each employer's net balance of reserve is more negative than 21% of the employer's base payroll shall be canceled from the employer's reserve balance

This bill would provide that the provision whereby negative reserve balances greater than 21% of average base payroll are canceled from reserve balance accounts would be deemed to be operative on June 30, 1984, and would operate retroactively to that date.

Existing law provides that, until January 1, 1987, the Employment Training Fund shall be expended as allocated by the Employment Training Panel for reimbursement of actual training costs incurred by employers and training agencies in job training programs approved by the panel. Each employer, with specified exceptions, is required to pay a specified contribution into the Employment Training Fund until January 1, 1987.

This bill would extend the January 1, 1987, repeal of the provisions establishing the Employment Training Fund and the provisions requiring employers to make contributions to this fund until January 1, 1991, but this extension would be operative only if SB

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177 is chaptered during the 1985 portion of the 1985–86 Regular Session. This bill would exempt nonprofit organizations, public school employers, and local public entities which have elected to pay directly their unemployment insurance liability from paying contributions into the Employment Training Fund.

This bill would impose a state-mandated local program by requiring local public agency employers which have not elected to pay directly their unemployment insurance liability to pay contributions into the Employment Training Fund until January 1, 1991, rather than January 1, 1987

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would take effect immediately as an urgency statute.

Ch 449 (SB 177) Seymour Employment training

Existing law provides that, until January 1, 1987, the Employment Training Fund shall be expended as allocated by the Employment Training Panel for reimbursement of actual training costs incurred by employers and training agencies in job training programs approved by the panel Each employer, with specified exceptions, is required to pay a specified contribution into the Employment Training Fund until January 1, 1987

This bill would extend the January 1, 1987, repeal of the provisions providing for expenditures from the Employment Training Fund for reimbursement of employer training costs in approved training programs until January 1, 1991, but would not extend the January 1, 1987, repeal of the provisions requiring employers to pay contributions into the Employment Training Fund or the January 1, 1987, repeal of the provisions creating the Employment Training Fund

This bill would become operative only if AB 334 is chaptered during the 1985 portion of the 1985–86 Regular Session

Ch 450 (SB 92) Lockyer State ballot pamphlet. readability.

Existing law requires the Legislative Analyst to prepare an impartial analysis of each state measure to be voted upon describing the measure and including a fiscal analysis It requires the analysis to be written in clear and concise terms which will be easily understood by the average voter and to avoid the use of technical terms wherever possible

This bill would require the Legislative Analyst to submit the analysis of each state measure to be voted upon to a 5-member committee drawn from the public at large and appointed by the Legislative Analyst, as specified, for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter.

This bill would require the committee to make appropriate recommendations to guarantee that the analysis can be easily understood This bill would require that the recommendations be made to the Legislative Analyst within 5 days after the analysis is submitted to the committee. It would require the Legislative Analyst to consider and incorporate the recommended changes that he or she deems to be appropriate, and would specify that the Legislative Analyst is solely responsible for determining the content of the analysis. It would require that committee members be reimbursed for reasonable and necessary expenses incurred in performing their duties

Ch. 451 (AB 1968) N Waters State employees count.

Existing law authorizes various state officers and state agencies to prepare various reports, studies, and evaluations of state employees.

The bill would require any report, study, audit, evaluation, survey, or similar document prepared by any state officer or state agency, which discloses any change in the numbers of state employees or personnel years, to also segregate the numbers of counted state employees or personnel years which are attributable to positions which are fully reimbursed by a local government agency pursuant to contract with the Department

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of Forestry.

This bill would also require that those positions attributed to local government contracts with the Department of Forestry would not be subject to state personnel ceilings and hiring freezes

Ch. 452 (AB 887) Hayden Kosher food· records.

(1) Existing law does not require persons who sell kosher meat to retain specified records.

This bill would require, until January 1, 1987, that any person, who sells fresh meat or poultry advertised or represented to be kosher, retain specified records from the packer or producer of the meat or poultry for one year and to make these records available to the Department of Food and Agriculture. Since violation of this provision would be a misdemeanor, the bill would impose a state-mandated local program The Director of Food and Agriculture would be required, as a pilot program, to enforce these requirements in Los Angeles County until January 1, 1987, if adequate funding is available.

(2) The bill would appropriate $46,000 to the department to carry out the above-stated duties.

(3) *The California Constitution requires the state to reimburse local agencies and* school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 453 (AB 1275) Calderon State Bar of California

Existing law, the State Bar Act, authorizes the Board of Governors of the State Bar of California to establish one or more committees, known as disciplinary boards, to act in its stead in the determination of disciplinary and reinstatement proceedings. Two of the members of any such board are required to be public members, who are appointed by the Governor. The rules of procedure adopted by the board of governors establish the State Bar Court, organized as specified, which is responsible, among other things, for disciplinary and reinstatement proceedings.

This bill would amend the State Bar Act to, among other things, make various changes in the procedures for discipline of attorneys, including specifying that these proceedings are under the jurisdiction of the State Bar Court rather than disciplinary boards, providing that the board of governors may order the involuntary inactive enrollment of an attorney upon the finding that the attorney's conduct poses an imminent threat of harm to the attorney's clients or to the public; and providing for an expedited disciplinary proceeding where a member of the State Bar has been found culpable of professional misconduct in another jurisdiction.

Ch. 454 (SB 680) B. Greene. Employment: unpaid wages.

Existing law provides that awards granted by the Labor Commissioner based on a claim for unpaid wages shall accrue interest on all due and unpaid sums at the same rate as judgments in civil actions, except that no interest shall accrue on those sums during the course of a court appeal, and the interest will run from the date of notice of the award or decision of the Labor Commissioner.

This bill would instead provide that interest on these awards shall accrue on all due and unpaid wages at the adjusted annual rate established by the Franchise Tax Board pursuant to specified provisions, and shall run from the date that the wages were due and payable pursuant to specified provisions until the wages are paid.

Ch. 455 (SB 1097) Maddy Lower San Joaquin Levee District.

(1) Under existing law, the Lower San Joaquin Levee District consists of territory lying within described exterior boundaries.

This bill would change that boundary description.

(2) Under existing law, the district may levy, as prescribed, a special benefit assessment based on specified factors and computed in accordance with prescribed formulas, to raise money for district purposes. Existing law requires the amount to be raised to be apportioned among the counties of the district on the basis of the value of lands of the

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district in each county

This bill would alternatively permit the district to apportion the amount to be raised among the counties of the district on the basis of acreage of land of the district in each county.

The bill would delete a requirement that, in computing the special assessment, for parcels in agricultural land use categories, every acre over 5 acres be deemed to be 1/10 acre

The bill would also authorize the board of directors of the district, at a specified hearing, to order reductions or cancellations of any assessment wrongfully levied during the 1984–85 fiscal year, and would make legislative findings in that connection.

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

Ch 456 (SB 110) Garamendi Drug abuse prevention

Existing law establishes the School-Community Primary Prevention Program which, in counties which have adopted it, authorizes school and classroom-oriented drug abuse prevention programs, school- or community-based nonclassroom alternative programs, or both, and family-oriented programs, among other things. The program was repealed on July 1, 1985.

This bill would reinstitute that program and would require the Legislative Analyst to report on the implementation of the program as specified.

The bill would take effect immediately as an urgency statute.

Ch. 457 (SB 463) Rosenthal. Economic opportunity.

Under existing law, the State Office of Economic Opportunity and the State Office of Economic Advisory Commission are contained within the Governor's office.

This bill would make the State Office of Economic Opportunity and the State Office of Economic Opportunity Advisory Commission separate entities within state government and rename them the Department of Economic Opportunity and the Department of Economic Opportunity Advisory Commission, respectively.

The bill would provide for the transfer of functions, unexpended balances, and records from the office as constituted in the Governor's office to the new independent entity.

The bill would specify that except for the director, who shall be appointed by the Governor subject to the confirmation of the Senate, the chief deputy director, who shall be appointed by the Governor and a deputy director who may be appointed by the Governor, the officers and employees of the Department of Economic Opportunity shall be subject to civil service provisions

The bill would provide, however, that subject to constitutional and statutory limitations until positions are filled under civil service rules, the department shall be authorized to employ temporary employees.

Ch 458 (AB 397) Kelley Alcoholic beverages.

(1) Existing law provides that a wine grape grower's storage license authorizes the holder to store bulk wine, made from grapes produced by the holder, as specified, and to sell that wine, within the state, to winegrowers, distilled spirits manufacturers, and vinegar producers Existing law also provides that these provisions are to remain in effect only until January 1, 1986, and on that date are repealed.

This bill would expand the list of persons to whom a wine grape grower could sell his or her wine to include brandy manufacturers and wine blenders The bill would also delete the provisions which would repeal the existing law on January 1, 1986.

(2) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Alcoholic Beverage Control Fund Because this bill would result in a continuation of funds, beyond January 1, 1986, for the Alcoholic Beverage Control Fund, it would constitute an appropriation.

(3) Existing law does not specifically make it unlawful to counterfeit the label for any wine

This bill would make it a misdemeanor for any person to, with intent to defraud, falsely make, alter, forge, or counterfeit the label for any wine or use the label or bottle of any wine belonging to another, without consent.

(4) This bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 459 (AB 220) Condit. Pupils in schools: fingerprinting

Existing law makes no provision for the fingerprinting of pupils in schools.

This bill would require the governing board of any school district to offer a fingerprint program for children enrolled in kindergarten or newly enrolled in that district subject to the consent of a parent or guardian. The fingerprints would be given to the parents or guardian and could not be given to or retained by the school district or any other private or public entity.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions provide a procedure for paying this reimbursement and require any statute mandating these costs to specify that reimbursement shall be made from the State Mandates Claims Fund for these costs.

This bill would impose a state-mandated duty by requiring notice of the fingerprinting program and by requiring conducting of the fingerprinting. This bill would require that school boards seek to obtain private funding and volunteer assistance in performing the fingerprinting, would direct the State Department of Education to adopt rules and regulations as to that requirement, and would require the Department of Justice to approve fingerprinting standards.

This bill would appropriate $700,000 to the State Mandates Claims Fund to reimburse local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch. 460 (AB 985) Hill. 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 a peace officers' and employees' association, as defined, which is located in Los Angeles County.

The bill would take effect immediately as an urgency statute

Ch. 461 (AB 1763) Bradley. Sanitary districts.

Under the existing Sanitary District Act of 1923, a district is authorized to lease district property by following specified procedures. Among the procedures is an option that a district board may enter a lease if the property is not needed by the district and it is in the district's best interests. Moreover, existing law requires that a lease shall be offered to the bidder which offers the greatest economic return to the district after competitive bidding, as specified.

This bill would make both of the above-described procedures optional if the district board makes a finding at a noticed public hearing that the subject property will be used for compatible uses, that it will be of public benefit, and that the term of the lease will not exceed 10 years

Ch. 462 (AB 414) Moore. Peace officers Public Utilities Commission.

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 certain employees of the Transportation Division of the Public Utilities Commission within the above-described classification.

Ch. 463 (SB 428) Davis. Firearms

Existing law does not expressly provide punishment for the furnishing of a firearm to another for the purpose of committing a crime, but that conduct may be a factor in

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determining whether the person may be convicted as a principal in the commission of the underlying crime.

This bill would provide for the imposition of an additional and consecutive term of 2 years in a state prison as to any person who, during the commission or attempted commission of a felony, furnishes or offers to furnish a firearm to another for the purpose of aiding, abetting, or enabling that person or any other person to commit that felony The bill would make other conforming changes

The bill would incorporate additional changes proposed by AB 1087 contingent upon the prior enactment of that bill

Ch. 464 (SB 254) Davis. Child abuse reporting.

Existing law requires certain persons to report known or suspected instances of child abuse, failure to do so is a misdemeanor. Existing law also provides that persons who enter into employment on and after January 1, 1985, in one of the professions or occupations that are so required to report, as a prerequisite to that employment, must sign a statement to the effect that he or she has knowledge of the reporting requirements

This bill would exempt certain employees of child protective agencies from the requirement of signing such a statement

This bill also would provide that on and after January 1, 1986, when a person is issued a state license or certificate to engage in a profession or occupation, the members of which are required to report known or suspected instances of child abuse, the state agency issuing the license or certificate shall send a statement substantially similar to the statement described above, as specified, to the person at the same time as it transmits the document indicating licensure or certification Alternatively, it would authorize such a state agency to cause the statement to be printed on the application forms for such a license or certificate printed on or after January 1, 1986.

Ch 465 (SB 818) McCorquodale State Bar; law corporations.

Existing law provides for the formation of law corporations and their regulation by the State Bar of California

This bill would make various changes in these provisions, including requiring annual renewal of the certificate of registration for law corporations, as specified, repealing a provision prescribing the name of a law corporation, and authorizing the imposition of a penalty for late filing of an annual report required to be filed by law corporations under existing law.

Existing law provides that the Board of Governors of the State Bar is composed of 22 members The term of a member of the board terminates at the conclusion of the annual meeting in the year specified for the expiration of his or her term. The officers of the State Bar are elected, within a specified period prior to the annual meeting, from among the board members who have at least one or more years to complete their respective terms.

This bill instead would provide that the board is composed of 22 members and the President of the State Bar, the president would be required to be elected from those members of the board whose terms expire that year or if no such member is able and willing to serve, then from among the members of the board who have completed at least one or more years of their terms The bill would provide that the president may vote only in the case of a tie vote of the other members of the board, as specified.

The bill also would delete a provision authorizing a certain member of the board of governors to maintain his or her principal office for the practice of law outside the City of Oakland

This bill would make related changes

Ch 466 (SB 1440) Rosenthal Child abuse and neglect programs

Existing law authorizes the establishment of a county children's trust fund, funded as specified, to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations. It also provides for the State Children's Trust Fund, consisting of funds from counties that have not established such a program, and state funds. Funds appropriated from the state fund are required to be used to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations in those counties that have not established their own program

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This bill would provide that moneys in both the county children's trust funds and the State Children's Trust Fund be expended for programs operated by public institutions of higher education as well as by private nonprofit organizations, as specified.

Ch. 467 (AB 30) Filante Witnesses

Under existing law, a prosecuting witness 16 years of age or under, in certain sexually related cases or a case involving cruelty to children or molesting or annoying children, is entitled for support to the attendance of a parent, guardian, or sibling of his or her own choosing, during his or her testimony at the preliminary hearing and the trial.

This bill would provide instead that such a prosecuting witness is entitled for support to the attendance of up to two family members of his or her own choosing One of those persons could accompany the witness to the witness stand

It would also, with respect to a requirement of existing law that the prosecution present evidence on noticed motion that a person's attendance is desired and helpful if the person chosen for support is also a prosecuting witness, eliminate the requirement of a noticed motion

Ch. 468 (AB 453) Elder. Government. peace officers.

Under existing law, a person who has been convicted of a felony, or an offense in another state which would have been a felony in this state, is, with specified exceptions, disqualified from holding office as a peace officer or being employed as a peace officer by the state or local government.

This bill would provide that individuals charged with a felony and adjudged mentally incompetent, not guilty by reason of insanity, or determined to be a mentally disordered sex offender, or adjudged addicted, or in danger of becoming addicted to narcotics, convicted, and committed to a state institution, as specified, would be disqualified from holding office as a peace officer or being employed as a peace officer.

Ch. 469 (AB 1704) La Follette Community college school members of PERS: credit for student body organization service

A provision of the existing Public Employees' Retirement Law requires, under specified conditions, the granting of service credit for service rendered to a community college student body organization prior to the time when the community college district assumed activities formerly conducted by the student body organization.

This bill would revise that provision to, instead, authorize the service credit as "public service" credit, as specified.

Ch. 470 (AB 2178) Farr. Community colleges: instructional equipment.

Existing law grants to the Board of Governors of the California Community Colleges specified authority and responsibilities regarding the allocation of state funds to community college districts.

This bill would direct the board of governors to administer a program of state funding for the maintenance, acquisition, and replacement of instructional equipment, including the creation and application of a general allocation formula for the distribution of state funds to community college districts, a portion of which funds may be withheld for special projects, as specified The districts would be required to separately account for the funds and to spend the funds only for the purposes for which they are allocated.

Ch 471 (AB 2174) Johnson. Insurance. escrow account.

Existing law prohibits, with specified exceptions, a title insurance company, controlled escrow company, or underwritten title company from disbursing funds from an escrow account until all items deposited have become available for withdrawal as a matter of right, as defined, from the financial institution, as defined, to which the draft has been submitted for collection

This bill would revise the definition of "available for withdrawal as a matter of right" to also mean, when the financial institution to which the item has been deposited considers the item available for withdrawal as a matter of right, and when a final settlement will occur, as specified

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Ch. 472 (AB 1036) Frazee. Public contracts: bidding.

Under existing law, community services districts and sanitary districts, as defined, may enter into contracts to accomplish projects within the scope of their purposes. If a contract is for any unit of work or project estimated to cost in excess of $5,000, the contract shall be let according to specified bidding procedures.

This bill would increase to $10,000 the threshold amount which requires that a contract be let according to the bidding procedures.

Ch. 473 (AB 901) Lancaster Insurance investments

Existing law authorizes an insurer to own shares of an open-end diversified management investment company that meets certain specified standards including a requirement that its annual management investment fee not exceed 1/10 of 1% of the average daily asset value, and that no other fees or commissions may be charged to the insurer by any person.

This bill would increase that amount to 2/10 of 1% of the average daily asset value.

Ch. 474 (AB 371) Jones. Tax preparers: registration

(1) Existing law requires every person who applies for registration as a tax preparer to meet certain specified requirements. Among those requirements is the requirement that the person must possess a high school diploma or have passed an equivalency examination.

This bill would provide that the high school diploma or passage of the equivalency examination requirement shall not be applicable to any person who first applied for registration prior to January 1, 1987, who was lawfully engaged in the activity of tax preparation or tax interviewing prior to November 1, 1983, and certifies to that fact under penalty of perjury, and who provides sufficient documentation as may be required.

(2) Existing law requires the administrator of the Tax Preparers Act to bill registrants a renewal notice on or before July 1 of each year

This bill would require these billings to be made on or before September 1 of each year, rather than July 1 of each year

(3) Under the Tax Preparers Act, registrants are required to establish by October 31 that they have successfully completed at least 20 hours of continuing education However, registrants may stipulate that they are in the process of completing the requisite continuing education courses

Commencing November 1, 1986, this bill would delete the authorization permitting registrants to stipulate that they are in the processes of completing the requisite continuing education courses.

(4) Under the Tax Preparers Act, there is a 9-member advisory committee entitled the "State Preparer Advisory Committee "

This bill would change the name of the committee from the State Preparer Advisory Committee to the State Tax Preparer Advisory Committee, would create staggered terms for the committee members, and would prohibit committee members from serving for more than 2 full, consecutive 4-year terms, rather than 2 full 4-year terms as provided under existing law

The bill would take effect immediately as an urgency statute.

Ch. 475 (AB 622) Cortese. Notices of sale delinquency.

(1) Existing law provides that liens for city taxes may be enforced by a sale of the real property affected and execution and delivery of necessary certificates and deeds, under regulations prescribed by ordinance

This bill would require that the regulations include a requirement that notices of the proposed sale be sent to the parties of interest, as prescribed. The bill would direct the city to charge a fee for providing that notice

(2) The Improvement Act of 1911 requires the city or county to mail a notice of sale of property for nonpayment of principal or interest on a delinquent bond to the owners of the property and to transmit a notice of sale to the bondholder.

This bill would additionally require that a notice of sale of specified content be sent by registered mail to parties of interest, as prescribed The bill would require a deposit by the bondholder of a fee to reimburse the city or county for the cost of sending that notice

(3) The Municipal Improvement Act of 1913 requires the municipality to mail a

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notice of sale of property for nonpayment of assessments to the owners of the property.

This bill would additionally require that a notice of sale of specified content be sent by registered mail to the parties of interest, as prescribed The bill would require notice of a fee which is required to reimburse the municipality for the cost of providing that notice of sale

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by requiring local government to send specified notices of sale of property

The bill would provide that no reimbursement is required by this act for a specified reason

Ch. 476 (SB 1105) Beverly. Real estate licensees.

Under existing law, it is unlawful for any person to act as a real estate broker or salesperson without obtaining a real estate license. Existing law also provides specific exemptions from those provisions regarding ~~arts~~ [acts]* relating to a person's own property

This bill would add an exemption for a general partner of a partnership dealing with partnership property, as specified

Ch 477 (SB 232) Presley Crimes.

Existing law contains provisions relative to increased efforts in the apprehension and prosecution of persons who meet certain criteria as career criminals The law requires the Executive Director of the Office of Criminal Justice Planning to prepare a report to the Legislature, annually, on the operation of the California Career Criminal Apprehension Program, as specified The provisions would be repealed January 1, 1986.

This bill would extend the repealing date to January 1, 1996, would delete the requirement of preparing an annual report to the Legislature and would require instead that the report to the Legislature be prepared every 3 years commencing on and after October 1, 1990, would delete certain obsolete provisions, would revise language dealing with the subject of a career criminal apprehension effort, and would make other technical changes

Ch 478 (AB 1900) Davis Trademarks

Existing law provides for injunctive relief when there is likelihood of injury to business reputation or dilution of the distinctive quality of a registered mark or a mark or trade name valid at common law, notwithstanding the absence of competition between the parties or confusion as to the source of the goods

This bill would provide for injunctive relief under additional circumstances, with specified exceptions, where a person uses, or unlawfully infringes upon, as specified, a mark registered under the state trademark law or the United States Code, other than in an otherwise noninfringing manner, with respect to the person's goods or services, and for the purpose of enhancing the commercial value of, selling or soliciting purchases of, products, merchandise, goods, or services, without the prior consent of the owner.

This bill would also provide that it shall not be construed to prohibit comparative advertising as defined

Ch 479 (AB 1395) Frazee. Public utility districts lien for charges

(1) Under existing law, the charges of a public utility district for services rendered or commodities furnished may, if unpaid, be added to and become a part of the annual assessment levied upon the land where the services were rendered or the commodities furnished.

This bill would, in addition, permit a district to provide by resolution or ordinance that unpaid water charges, interest, and penalties constitute a lien on the property served when a certificate containing designated information is recorded in the county, except that no lien could be created under this procedure on publicly owned property.

The bill would require a county recorder to charge the district recordation fees for any certificate recorded pursuant to the bill. Since a county recorder would be required to record the certificate when submitted by a district and to charge and collect recorda-

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tion fees, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 480 (AB 923) Costa Local agencies.

(1) Existing law requires the executive officer of a local agency formation commission to prepare a report on each application submitted to the commission and to furnish copies of the report to specified persons and agencies, including each affected local agency

This bill, instead of requiring a copy of the report to be furnished to each affected local agency, would require a copy of the report to be furnished to each affected local agency which has filed a request for a report, each affected city, and each local agency whose boundaries or sphere of influence would be changed by the proposal or the recommendation.

(2) Presently, prior to circulating any petition relating to the annexation of territory by a city, the consolidation of cities, or the dissolution of a city, the proponents are required to publish a prescribed notice of intention to do so, accompanied by a written statement of the reasons for the proposal, signed by a specified number of the proponents

This bill would delete that requirement.

(3) In addition, the bill would delete from the Elections Code an obsolete provision which conflicts with the Municipal Organization Act of 1977

Ch 481 (AB 627) Moore. Alcoholic beverages.

Existing law authorizes any winegrower, brandy manufacturer, distilled spirits manufacturer, or distilled spirits manufacturer's agent to serve and provide free food and alcoholic and nonalcoholic beverages in conjunction with meetings or conventions of bona fide trade associations of retail licensees

This bill would make that authorization applicable to beer manufacturers and would extend the authorization to the serving and providing of free food and alcoholic and nonalcoholic beverages in conjunction with trade shows.

Ch. 482 (AB 1597) McClintock. Public Employees' Retirement System: surviving spouses' allowances and benefits. modification

Existing Public Employees' Retirement Law provides that (1) specified survivors' allowances and special death benefits are discontinued to a surviving spouse who remarries, (2) a surviving spouse receiving such an allowance or benefit on January 1, 1983, may, within a specified 3-month period, irrevocably elect to receive a reduced lifetime allowance which is the actuarial equivalent of the allowance or benefit otherwise payable; and (3) a surviving spouse of a member whose death occurs on or after January 1, 1983, may, within 10 months of the death, irrevocably elect to receive such a reduced allowance or benefit

This bill would: (a) expand the time limitation in item (3) above, from 10 to 24 months; (b) authorize any person who was provided an opportunity to elect under item (2) or (3) above, to revoke that election on or before September 30, 1986, without actuarial cost to the system; and (c) require allowances payable under items (2) and (3) above, to commence on the first day of the calendar month immediately following the calendar month in which the system received the election.

Ch. 483 (SB 687) Rosenthal Behavioral sciences· marriage, family, and child counselors; educational psychologists; clinical social workers

Existing law provides for the licensure and regulation of marriage, family and child counselors, educational psychologists, and clinical social workers, as specified Existing law imposes various specified fees with respect to licensure as a marriage, family, and child counselor, an educational psychologist, or a clinical social worker, which are deposited into the Behavioral Science Examiners Fund.

This bill would increase the fees for original licensure, reexamination, and renewal

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which are imposed upon these behavioral science licensees, as specified

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Behavioral Science Examiners Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

This bill would also incorporate certain changes proposed by AB 2159, if AB 2159 and this bill are both chaptered and this bill is chaptered last.

Ch. 484 (SB 1229) Keene. Medical records.

Existing law prohibits the release or disclosure of medical information about a patient without an authorization except in specified circumstances, including disclosure to persons insuring, responsible for, or defending professional liability.

This bill would provide that whenever, prior to service of a complaint in an action arising out of the professional negligence of a physician, a demand for settlement or offer of compromise is made, the demand or offer shall be accompanied by an authorization to disclose medical information to persons or organizations insuring, responsible for, or defending professional liability, as specified.

Ch. 485 (SB 435) Craven. Mobilehomes

(1) Existing law places numerous restrictions on placing manufactured homes, mobilehomes, and commercial coaches on foundation systems. Local agencies are prohibited from requiring that any manufactured home, mobilehome, or commercial coach currently on private property be placed on a foundation system.

This bill would provide that no local agency shall require that any manufactured home or mobilehome located in a mobilehome park be placed on a foundation system, so as to be permanently affixed to real property. It would also provide, with respect to rental home parks operated as such for a minimum of 5 years, that no local agency, as a condition for the approval of the conversion of a rental mobilehome park to a resident-owned park, including, but not limited to, a subdivision, cooperative, or condominium for mobilehomes, require that any manufactured home or mobilehome located there be placed on a foundation system, so as to be permanently affixed to real property.

(2) Under the existing Housing Authorities Law, local housing authorities are authorized to undertake various activities with respect to housing developments for persons of low income.

This bill would also authorize various activities with respect to land on which mobilehomes or a mobilehome park are, or may be, located in situations where not less than 20% of the mobilehomes are designated for occupancy by persons of low income.

(3) Under the existing Housing Cooperation Law, a state public body may take various steps to aid housing projects.

This bill would also authorize state public bodies to undertake various activities to aid local housing authorities with mobilehomes and mobilehomes parks where not less than 20% of the mobilehomes are for occupancy by persons of low income.

(4) This bill would incorporate the changes in Section 18551 of the Health and Safety Code proposed by AB 1567, which will become operative only if this bill and AB 1567 are enacted and become effective on or before January 1, 1986, and this bill is enacted last.

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

Ch. 486 (SB 339) Seymour. Care facilities licensure

(1) Under existing law, certain persons connected to community care facilities or day care facility centers, as defined, are, prior to facility licensure and subsequent to licensure, required to be fingerprinted and to obtain criminal record clearance Licensees of these facilities are required, subject to criminal sanction, to terminate, remove, or bar from entering the facility any person who is found to have been convicted of specified crimes, unless the Director of Social Services grants an exemption. However, the director may not, under existing law, grant the exemption for certain offenses

This bill would add sexual battery, as defined, to the list of crimes for which a person must be terminated, removed, or barred from entering the facility It would add sexual battery, as defined, certain assaults, and penetration of genital or anal openings by a foreign object, as defined, to the list of crimes for which the director may not grant an exemption, as specified This bill would impose a state-mandated local program by

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creating new crimes for violating the requirement created by its provisions

(2) This bill would also revise the procedures regarding the manner in which the fingerprints may be submitted to the Department of Social Services and processed by the department with respect to community care facilities It would require the department to notify the licensee of convictions, when necessary as determined by the department, within a specifed time period.

(3) This bill would incorporate changes in Section 1596 871 of the Health and Safety Code which would become effective if certain conditions are satisfied

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 487 (SB 1013) Doolittle. Flood emergency work.

Under existing law, the Director of Water Resources is authorized under specified circumstances to declare the existence of a flood emergency, and to perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property. The Governor may direct the Department of Finance to allocate to the ~~department~~ [Department of Water Resources]* any available money appropriated for that purpose or to meet state emergencies.

This bill would instead authorize the department to perform that work or take remedial measures, but would delete the authority of the director to declare the existence of an emergency. The bill would declare that it is intended to supplement the emergency services of the state, as specified.

Ch. 488 (SB 322) Carpenter. Bicycle registration and licensing.

Existing law requires counties and cities to issue license indicia and registration forms distributed by the Department of Motor Vehicles to owners of bicycles first sold as new on or after September 20, 1974. If the county or city has adopted a bicycle licensing ordinance or resolution, existing law prohibits operation of bicycles first sold as new on and after September 20, 1974, unless licensed, subject to a $10 maximum fine for violations The local ordinance may also regulate other bicycles.

This bill would delete the application to bicycles sold as new on or after September 20, 1974, and authorize the issuance of a license indicia and registration form to the owner of any bicycle complying with specified marking criteria. The bill would require the prohibition on operation of unlicensed bicycles in a city or county be by a city or county ordinance, and the bill would also authorize the ordinance to prohibit operation of any bicycle as specified in the ordinance.

Ch 489 (SB 516) Boatwright. Usury· real estate brokers

Existing usury restrictions in Section 1 of Article XV of the California Constitution do not apply to any loan or forbearance made or arranged by a licensed real estate broker which is secured in whole or part by liens on real property. By statute, the Legislature has specified that this exemption applies to loans secured both directly and collaterally by real property and that this exemption applies whether or not the loan is made or arranged by the broker as a principal or an agent for others and whether or not the broker is acting within the course and scope of the license

This bill would additionally specify that the usury exemption for loans and forbearances arranged by real estate brokers includes (1) any loan solicited, negotiated, or arranged for another by a real estate broker for or in expectation of compensation, and (2) any loan to purchase or improve real property or a business arranged by a real estate broker for another in connection with specified transactions involving such property or business in which the broker acts for or in expectation of compensation, (3) any forbearance, extension, or refinancing of any loan arranged by a real estate broker for another in connection with specified transactions in which the broker acts for or in expectation of compensation, and (4) any forbearance, extension, or refinancing of any loan secured by real property arranged or negotiated by a real estate broker for another in connection with specified past transactions in which the broker had acted for or in expectation of compensation

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Ch 490 (SB 511) Craven. Teacher credentialing.

(1) Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of credentials. Existing law, as of February 1, 1983, prohibits the commission from initially issuing 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 through passage of the state basic skills proficiency test, unless that person is otherwise exempt from this requirement

Existing law exempts the holder of, or applicants for, a vocational designated subject credential from the state basic skills proficiency test requirement Existing law requires the governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs 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 these individuals to be assessed, as prescribed

This bill would exempt the holders of, or applicants for, a designated subjects special subjects credential or a vocational designated subject credential from the state basic skills proficiency test requirement, unless the requirements for the specific credential require the possession of a baccalaureate degree. This bill would specify that the holders of a designated subjects special subjects credential shall also be subject to the basic skills criteria and assessment requirements prescribed by the governing board, as specified, for the holders of a vocational designated subject credential.

(2) Existing law requires authorizations for teaching credentials to be of four basic kinds, including, among others, authorizations for single subject instruction and multiple subject instruction, as defined.

Existing law authorizes the holder of a single subject instruction credential who has completed 20 semester hours of coursework or 10 semester hours of upper division coursework in any subject commonly taught in grades 7 to 12, inclusive, other than the subject for which he or she is already credentialed, to be eligible to have this subject appear on that credential as an authorization to teach a second subject.

This bill would delete these provisions. This bill, instead, would authorize the holder of a single subject teaching credential or a standard secondary credential who has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework approved by the Commission on Teacher Credentialing at an accredited institution in any subject commonly taught in grades 7 to 12, inclusive, other than the subject for which he or she is already credentialed, to be eligible to have this subject appear on the credential as an authorization to teach that subject This bill would authorize the commission, by regulation, to require that evidence of additional competence shall be a condition for instruction in particular subjects, including, but not limited to, foreign languages. This bill would authorize the commission to establish and implement alternative requirements for additional authorizations to the single subject credential on the basis of specialized needs.

Existing law authorizes the holder of a multiple subject credential who has completed 20 semester hours of coursework or 10 semester hours of upper division coursework in any subject commonly taught in grades 6, 7, 8, and 9 in a departmentalized class to be eligible to have that subject appear on the credential as authorization to teach the subject in grades 6, 7, 8, and 9. Existing law authorizes the commission, by regulation, to provide that evidence of additional competence is necessary for instruction in particular subjects, including, but not limited to, foreign languages.

This bill would delete these provisions. This bill would authorize the holder of a multiple subject teaching credential or a standard elementary credential who has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework approved by the Commission on Teacher Credentialing at an accredited institution in any subject commonly taught in grades 6, 7, 8, and 9 to be eligible to have that subject appear on the credential as authorization to teach the subject in departmentalized classes in grades 6, 7, 8 and 9. This bill would specify that the holder of a multiple subject teaching credential or a standard elementary credential shall be authorized to teach any subject in departmentalized classes to a given class or group of students below grade 9, provided that the teacher has completed at least 8 semester units, or 4 upper division or graduate units, of coursework at an accredited

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institution in each subject to be taught The bill would provide that the authorization shall be with the teacher's consent and restricted to a partial assignment This bill would authorize the commission, by regulation, to provide that evidence of additional competence is necessary for instruction in particular subjects, including, but not limited to, foreign languages. This bill would authorize the commission to establish and implement alternative requirements for additional authorizations to the multiple subject credential on the basis of specialized needs

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

Ch 491 (SB 982) Dills Polygraph examiners

(1) Under existing law, the Director of Consumer Affairs is required to administer and enforce the provisions of the Polygraph Examiners Act. Separate provisions under that act require the director and the Secretary of the Polygraph Examiners Board to exercise and undertake specific powers and duties

This bill would transfer the power and duty to administer and enforce the act from the director to the Board of Polygraph Examiners, and it would transfer certain other powers and duties, which the bill would revise, from the director or secretary to the board.

(2) Under existing law, one of the 2 types of polygraph examiners licenses is the intern license That license allows the holder to conduct polygraph examinations in an internship and may currently be renewed for a 2-year period by the board without limitation.

This bill would permit only one renewal of an intern license, and it would provide that the holder of that license must function under the supervision of the holder of a valid, unexpired general license, subject to regulations which may be adopted by the board.

(3) Existing law provides that a person whose polygraph examiner license expired while employed with any governmental agency or while on military duty may, under certain conditions, obtain a renewal license without an examination.

This bill would limit the above provisions to persons whose license expired while employed by the United States government or while on extended, active military duty

The bill would make related and technical changes in the Polygraph Examiners Act

Ch. 492 (SB 1092) Robbins. Authorized emergency vehicles

Existing law authorizes the Commissioner of the California Highway Patrol to designate certain types of vehicles used in law enforcement, firefighting, and emergency medical care as "authorized emergency vehicles." These vehicles may utilize special lighting, use sirens, and are exempt from certain traffic laws

This bill would include rescue vehicles as vehicles eligible to be designated as authorized emergency vehicles by the commissioner.

Ch 493 (SB 1350) L Greene. School construction funding.

Under existing law, the Leroy F Greene State School Building Lease-Purchase Law of 1976 authorizes state financing of the acquisition and reconstruction of school buildings, directs the State Allocation Board to fix rents, charges, and fees payable by school districts for facilities financed by the state, and requires that those rents, charges, and fees be fixed at a rate to yield annual revenues equal to the cost of interest on, and retirement of, bonds issued under the lease-purchase law

Existing law further authorizes any school district to apply for a project that includes only the advance purchase of land and preparation of plans and specifications, in order to expedite a total school facility.

This bill would specify that these applications are subject generally to provisions of the Leroy F. Greene State School Building Lease-Purchase Law of 1976 that apply to project applications.

Under existing law, estimates of average daily attendance made by an applicant district for the purpose of justifying a project application may not be for a longer time than the 3rd fiscal year beyond the fiscal year in which the application is made, in the case of an elementary school project, or the 4th fiscal year, in the case of a junior high school or high school project

This bill would provide that applications for the advance purchase of land, as referred to above, may include estimates of average daily attendance for up to and including 2 years longer than is permitted for other project applications

This bill would also require that, beginning the 5th fiscal year after the fiscal year in which an apportionment is made to a school district for the advance purchase of land,

the district must repay the apportionment, with interest, in 10 equal annual installments, as rent, unless and until the district has qualified for an apportionment for utilization of the site. This obligation would be subject to waiver by the State Allocation Board to the extent that it finds that it will result in an extreme hardship upon the district. This bill would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

This bill would take effect immediately as an urgency statute

Ch. 494 (SB 296) Lockyer Transportation: Route 238

Existing law, with respect to State Highway Route 238, authorizes a city, county, or transportation planning agency, as specified, or the Department of Transportation upon request, to file with the California Transportation Commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the county which was to be served by a planned state transportation facility Following a review process involving the transportation planning agency and the department, the commission is authorized to approve a local alternative transportation improvement program submitted before January 1, 1986, for inclusion in the state transportation improvement program

This bill would extend the deadline for submission of a local alternative transportation improvement program to January 1, 1988.

Ch. 495 (AB 2432) Moore. Vehicles vending.

Existing law requires any driver vending on streets from a commercial vehicle to be lawfully parked while vending products on a street in a residence district Counties and cities are expressly authorized to adopt additional requirements for the public safety regulating street vending from vehicles, including a prohibition against street vending from vehicles.

This bill would delete the authority of a county or city to prohibit vending from a vehicle upon a street.

Ch. 496 (AB 2160) Bader. Youth authority· parole.

Existing law authorizes the Youthful Offender Parole Board to suspend, cancel, or revoke the parole of a person from the Youth Authority, and to order a return to custody. Peace officers are required to execute those orders in like manner as ordinary criminal process

This bill would instead require peace officers to execute those orders in like manner as a felony warrant.

Ch. 497 (AB 2311) Grisham. Civil rights: bases of discrimination

Existing law provides that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their person or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute.

This bill would declare that the identification in this provision of particular bases of discrimination is illustrative rather than restrictive.

Ch. 498 (AB 688) Johnston. Political Reform Act· controlled committee

Under the Political Reform Act of 1974, the term "controlled committee" is defined as a committee controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee, or state measure

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proponent in connection with the making of expenditures Existing law also provides that a candidate or proponent controls a committee if he or she, or his or her agent or any other committee controlled by the candidate or proponent, has a significant influence on the actions or decisions of the committee

This bill would add a definition of a "sponsored committee" and provide that a sponsored committee means a committee, other than a controlled committee, which has more than one sponsor.

This bill would further provide that any person, other than a candidate, proponent, or other individual, sponsors a committee if any of the following apply. (1) the committee receives all or nearly all of its contributions from the person, its members, officers, employees, or shareholders, (2) the person collects contributions for the committee by use of payroll deduction or dues from its members, officers, or employees, (3) the person alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee, or sets the policies for soliciting contributions or making expenditures of committee funds.

The Political Reform Act requires every committee to file a statement of organization with the Secretary of State within 10 days after it has qualified as a committee, with specified information

This bill would provide that, in the case of a sponsored committee, the statement shall include the name of the sponsor and that if the committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group.

This bill would further require that whenever identification of a sponsored committee is required by law, the identification shall include the full name of the committee as contained in its statement of organization

This bill would also provide that within 30 days of the designation of the numerical order of propositions appearing on the ballot, any committee which has as its principal activity, the support of or opposition to a ballot measure, shall include in any reference to the committee required by law, a specified statement indicating it is a committee in support of or in opposition to the specific numbered proposition

Ch 499 (AB 268) N Waters. Volunteer firefighters.

Under existing law, volunteer firefighters can be removed from their departments without cause

This bill would provide that governing bodies of volunteer fire departments may adopt rules and regulations which require that members of departments not be removed from membership, except for specified causes and only after a hearing with due notice, with stated charges, and with the right of the member to a review.

Ch 500 (AB 605) Hughes. College and university employees

Existing law makes no provision for the statewide collection and reporting of data on the employment status of ethnic minorities and women in public institutions of higher education.

This bill would require the California Postsecondary Education Commission to collect data and to report to the Legislature and the Governor on March 1, 1986, and every 2 years thereafter until and including 1990, concerning the employment, classification, and compensation of ethnic minorities and women by the University of California, the California State University, and the public community colleges, and the result of affirmative action efforts by those institutions.

Existing law requires the commission to maintain a registry of minorities and women available for employment in academic and administrative positions in postsecondary education.

This bill would repeal that requirement

This bill would take effect immediately as an urgency statute.

Ch 501 (AB 784) Lancaster. Insurance claim forms

Existing law requires insurance claims forms furnished by an insurer to set forth a specified section of the Insurance Code relating to false or fraudulent claims.

This bill would instead require that a portion of that section be set forth

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Ch. 502 (AB 857) Frazee Consumer Advisory Council

Existing law provides for a 7-member Consumer Advisory Council within the Department of Consumer Affairs and provides that the members of the council are to serve without compensation except for their actual and necessary expenses

This bill would provide that the members of that council shall receive per diem and expenses that are provided for other members of specified boards

The bill would appropriate $1,400 for per diem and expenses of members of the council from January 1, 1986, through June 30, 1986

Ch. 503 (AB 83) Herger. Long-term care

Existing law provides for the Department of Aging, which administers various programs for elderly persons, some of which provide services to those in need of long-term care, as defined

Existing law contains a definition of long-term care for purposes of programs administered by the Department of Aging

Existing law also contains provisions, which are inoperative due to the nonoccurrence of specified events These provisions also include a definition of long-term care, with this definition providing that long-term care includes certain services

This bill would repeal the definition of long-term care which is operative under existing law, and would make operative the definition of long-term care which is currently inoperative, but would, in addition, specify that "long-term care" includes licensed residential care in a community care facility or residential facility for the aged

Existing law contains a definition of long-term care for purposes of the institutionalization prevention services program administered by the Department of Aging.

This bill would provide that "long-term care" includes licensed residential care in a community care facility or residential facility for the elderly

Ch 504 (AB 1930) Felando Developmental disabilities

Under existing law, if the State Department of Developmental Services decides to cancel or not renew its contract with a regional center and gives the required written notice to the regional center, the regional center may protest the decision to the department. The department is then required to meet with the regional center and the appropriate area board and to discuss the decision and any feasible alternatives to termination or nonrenewal of the contract

This bill would specify that the feasible alternatives to termination or nonrenewal include the possibility of a limited term contract of less than one fiscal year

Ch. 505 (AB 1532) Duffy. Professional medical and podiatry corporations· officers

Existing law, generally, requires that each shareholder, director, and officer of a medical or podiatry corporation be a licensed person, as defined

This bill would specify that the above provisions do not preclude a nonlicensed person from using the business titles of executive vice president, chief executive officer, executive secretary, or any other title denoting an administrative function within those corporations

Ch 506 (AB 1832) Bradley Local agencies unclaimed funds

Existing law permits individual items in amounts of less than $10 which remain unclaimed in the treasury or in the custody of an official of a local agency for a specified time to be transferred to the general fund of the agency without the necessity of publication of notice

This bill would extend that authority to funds of any amount if the depositor's name is unknown

Ch 507 (AB 121) Alatorre Public social services

Existing law provides for a program manager for services to the blind and partially sighted and a program manager for services to the deaf and hearing-impaired within the State Department of Rehabilitation, including provisions for various duties to be performed by both This program would be repealed on January 1, 1987

This bill would delete the repeal provision, thereby extending the program indefinitely.

Existing law also requires the Program Manager for Services to the Blind and Partially Sighted and the Program Manager for Services to the Deaf and Hearing-Impaired to submit annual reports to the State Director of Rehabilitation and the Legislature, as

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specified.

This bill would eliminate these reporting requirements.

Ch. 508 (AB 496) Wyman. Health: tumors.

Existing law requires that the physician last in attendance on a deceased person shall state on the certificate of death the cause of death and other related information.

This bill would also require the physician to specifically indicate on the certificate the existence of any cancer of which the physician has actual knowledge.

This bill would impose a state-mandated local program by also requiring the coroner to specifically indicate the existence of any cancer of which he or she has actual knowledge.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

The bill would take effect immediately as an urgency statute.

Ch. 509 (AB 288) Kelley. Gasoline vapor recovery control systems.

(1) Existing law requires the State Air Resources Board to certify gasoline vapor recovery control systems and prohibits any person from installing a system unless it has been certified by the state board.

This bill would prohibit a person from offering for sale or selling a new or rebuilt system or its component parts, or installing a system or its component parts, unless the system has been certified by the state board and is clearly identified by a permanent identification [of the certified manufacturer or rebuilder]* The bill would impose a state-mandated local program because a violation of these prohibitions would be misdemeanors

(2) Existing law requires gasoline vapor recovery control systems to be maintained in accordance with the manufacturer's specifications.

This bill would require a person repairing or rebuilding a system, other than the original manufacturer, to permanently affix a plate to the system identifying the repairer or rebuilder and specifying that only certified equipment was used The rebuilder would be required to remove any identification of the original manufacturer, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating new crimes.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 510 (AB 1147) Stirling. Criminal justice: legal training.

Under existing law, there is in the Office of Criminal Justice Planning a program of financial assistance to provide for programs of education, training, and research for local public prosecutors and public defenders. Funds made available for that program are allocated and awarded by the Executive Director of the Office of Criminal Justice Planning to public agencies and private nonprofit organizations which provide programs meeting specified criteria The statutes creating the program are to be in effect only until January 1, 1986, and as of that date are repealed.

The bill would delete the provision currently repealing these statutes, would require the Office of Criminal Justice Planning to allocate financial resources for statewide programs, and would make related changes.

Existing provisions of the Penal Code continuously appropriate moneys from the

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Assessment Fund to the Local Public Prosecutors and Public Defenders Training Fund. Because this bill will continue these statutes, it makes an appropriation.

Appropriation: yes.

Ch. 511 (AB 941) Vasconcellos. Local agencies: bonds.

(1) Existing law authorizes a joint powers entity created by agreement between 2 or more local agencies to issue revenue bonds, and provides, until January 1, 1986, for a maximum 12% annual rate of interest on the bonds, payable semiannually. With specified exceptions for certain types of projects, the bonds may not be sold at less than par value.

This bill would, in the case of bonds which are sold at a variable rate of interest by any agency, commission, or board established by a joint powers agreement created in a county of the 5th class, with authority to finance the acquisition, construction, and renovation of public health facilities, permit the bonds to be sold at a rate of interest which exceeds the maximum allowable rate in effect at the time of issuance if (a) the initial rate of interest does not exceed that maximum allowable rate, (b) the governing body of the authority, prior to issuance of the bonds, estimates that the average rate of interest on the bonds during the term of the bond issue will not exceed the maximum allowable rate, and (c) the interest rate of the bonds does not exceed the greater of either 1 percent more than the prime rate of a banking institution designated by the authority or the otherwise maximum allowable rate of interest for bonds of a joint powers authority.

The bill would also make the prohibition against the sale of bonds of a joint powers entity at less than par value, and the requirement that interest on the bonds of a joint powers authority be paid semiannually, inapplicable to bonds sold by that joint powers agency, commission, or board.

These provisions would be repealed on January 1, 1988

The bill would make a legislative declaration regarding these changes.

(2) Existing law does not specifically regulate the activities of bond counsel, or investment firms and others having a financial advisory relationship with a local agency, in connection with the issuance of bonds by the local agency.

This bill would regulate certain of those activities.

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

Ch. 512 (AB 422) N. Waters. Dairy products.

(1) Under existing law, the Director of Food and Agriculture is specifically required to hold a public hearing prior to adopting specified definitions, standards, and labeling requirements for products manufactured from milk Under existing law relating to the adoption of regulations by a state agency, the agency is required to hold a public hearing prior to the adoption of regulations if an interested person so requests.

This bill would delete the requirements related to the hearing held prior to the adoption of definitions, standards, and labeling requirements for products manufactured from milk, thus making applicable to the adoption of those definitions, standards, and labeling requirements the general hearing requirements applicable to state agencies adopting regulations

(2) Existing law regulates the contents, labeling, and selling of oleomargarine

This bill would delete most references to oleomargarine and instead refer to the product as margarine

The bill would also define and describe dairy spread and spread for the purpose of the laws relating to margarine, and would make these laws applicable to dairy spread and spread. Violation of these laws would be a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 513 (AB 988) McAlister. Payment of PERS interest awarded nonemployee spouse: study by PERS.

The existing Public Employees' Retirement Law confers administrative control of the system upon the Board of Administration

This bill would require the board to provide for a study of specified issues raised in the case In re Marriage of Gillmore, 29 Cal. 3d 418, and to determine the feasibility of separation of the interest awarded the nonemployee spouse and direct payment of each interest to the owner thereof.

This bill would also appropriate $75,000 from the Public Employees' Retirement Fund to the Public Employees' Retirement System to carry out the purposes of this act

Ch 514 (AB 2056) Alatorre. State civil service: termination: reinstatement.

Existing law provides that a state civil service employee may be permanently separated from service through resignation or removal for cause, or for medical reasons under specified circumstances.

This bill would authorize an appointing power, in lieu of adverse action and rejection during probation, to terminate, demote, or transfer a civil service employee, and would authorize the granting of a leave of absence to a civil service employee, who fails to meet a minimum requirement for continuing employment prescribed by the State Personnel Board in the specifications for the employment classification

This bill would limit minimum requirements for continuing employment to the acquisition or retention of professional qualifications, education, or eligibility for job performance or advancement, as specified. It would require notice of termination, demotion, or transfer to the employee and a right to appeal to the board It would also provide that such an employee shall have the right to reinstate to his or her most recent former position, as specified. It would provide that any action pursuant to the provisions of this bill shall be considered nondisciplinary for the purposes of the State Civil Service Act and board rules

Chapter 305 of the Statutes of 1984, a nonurgency statute, amended Section 19140 of the Government Code, relating to reinstatement of employees to state service Chapter 1759 of the Statutes of 1984, an urgency statute, added a new and identical Section 19140 to the Government Code The result of the 2 enactments was that Section 19140, as added by Chapter 1759 of the Statutes of 1984, became effective immediately on October 1, 1984, while Section 19140, as amended by Chapter 305 of the Statutes of 1984, became effective on January 1, 1985.

This bill would make a technical, nonsubstantive change by repealing Section 19140 of the Government Code, as amended by Chapter 305 of the Statutes of 1984

This bill would incorporate additional changes in Section 19140 of the Government Code, as amended by AB 1166, to be operative only if this bill is chaptered after that bill, as specified

Ch. 515 (SB 285) Davis Youth Authority

Existing law makes it a crime, punishable either as a felony or a misdemeanor, to knowingly bring, send, or assist in bringing or sending specified controlled substances, alcoholic beverages, or firearms, weapons, or explosives into an institution or camp administered by the Youth Authority.

This bill would include the bringing, sending, or assisting of the bringing or sending of tear gas or tear gas weapons into such an institution or camp within the above prohibition

It also would include possession of any of the above, as well as possession of tear gas or tear gas weapons, by a person confined in such an institution or camp, in the above prohibition These changes would establish a state-mandated local program

The bill also would make it a felony to knowingly use tear gas or a tear gas weapon in such an institution or camp

Existing law also makes it a crime, punishable either as a felony or a misdemeanor, to knowingly bring, send, or assist in bringing or sending specified controlled substances or firearms, weapons, or explosives into a county juvenile hall, home, ranch, or forestry camp

This bill would make all of the same changes to this provision as those noted above concerning tear gas or tear gas weapons with respect to the provision relating to institutions and camps operated by the Youth Authority, thus establishing a state-mandated local program.

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 516 (SB 1109) Hart. Hazardous waste haulers.

Existing law requires the Department of the California Highway Patrol to conduct an annual inspection of every vehicle, as specified, used by registered waste haulers to transport hazardous waste on the highways.

This bill would also require the department to inspect every maintenance facility or terminal, as specified, of registered waste haulers, and would make conforming changes to the law relating to certification of the waste hauler by the department. The bill would also delete an obsolete reference relating to the State Fire Marshal.

Ch. 517 (SB 465) Stiern. Outdoor advertising: farm product signs.

Under the Outdoor Advertising Act, with specified exceptions, no advertising display may be placed or maintained within 660 feet from the right-of-way of any interstate or primary highway.

This bill would permit displays which meet specified requirements and identify farm produce outlets to be placed or maintained within 660 feet of the edge of the right-of-way of a highway pursuant to regulations of the Director of Transportation unless in violation of federal law.

Ch 518 (SB 487) Davis. Insurance insolvency.

Existing law authorizes the Insurance Commissioner to direct the winding up and liquidation of an insolvent insurer and to make application to the court for approval of a proposal to disburse the insurer's assets to the California Insurance Guarantee Association and to any entity or person performing a similar function in another state.

This bill would require the commissioner to offset the amount disbursed to any entity or person performing a function in any other state similar to California Insurance Guarantee Association by the amount of any statutory deposit, premiums, or other assets of the insolvent insurer held in that state

Ch. 519 (AB 1753) Frazee Alcoholic beverages.

Existing law provides for the issuance of an on-sale general bona fide public eating place intermittent dockside alcoholic beverage license for certain vessels of more than 10,000 tons displacement which also has been issued a duplicate license, as specified.

This bill would make the required vessel tonnage 7,000, rather than 10,000, tons, would delete the duplicate license requirement, and would make related changes.

Existing law authorizes a licensed winegrower to sell wine and brandy for consumption on the premises in a bona fide eating place which is located on the licensed premises or on premises that are contiguous to the licensed premises and which is operated by the licensee.

This bill would authorize a winegrower who produces less than 50,000 gallons of wine a year to sell wine to consumers for consumption in a bona fide eating place for which the licensee or his or her spouse held an on-sale license on January 1, 1985, and which is located in San Diego County, located off the premises of the winegrower, and which is owned by and operated by or for the licensee.

Ch. 520 (AB 1632) Clute. Public retirement systems

The existing Public Employees' Retirement Law: (a) authorizes any member who retired with an optional settlement involving life contingency of the beneficiary and whose beneficiary predeceases the retired member, within 12 months of the death of the beneficiary or within 12 months following remarriage if a new spouse is named the beneficiary, to name a new beneficiary and reelect an optional settlement for the actuarial equivalent, as specified, of the retirement allowance; and (b) requires, in cases of remarriages prior to January 1, 1975, the election to be made prior to January 1, 1976.

This bill would: (1) repeal item (b) above; and (2) authorize any member whose beneficiary died prior to January 1, 1986, to make the election prior to January 1, 1988, as specified.

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This bill would also appropriate $85,000 from the Public Employees' Retirement Fund to the Public Employees' Retirement System for the implementation of this act.

This bill would also make additional changes in Section 21339 of the Government Code, proposed by SB 560 to become operative only if this bill and SB 560 are both chaptered and become effective on January 1, 1986, and this bill is chaptered after SB 560

Ch 521 (SB 560) Ellis Retired members of PERS: revision of optional settlements.

The existing Public Employees' Retirement Law authorizes any member who retired with an optional settlement involving life contingency of the beneficiary and whose beneficiary predeceases the retired member, to name a new beneficiary and reelect an optional settlement for the actuarial equivalent, as specified, of the retirement allowance within 12 months of the death of the beneficiary; or within 12 months following remarriage if a new spouse is named the beneficiary

This bill would authorize those modifications when a spouse was named beneficiary and there has been a dissolution, annulment, or legal separation in which the judgment dividing the community property awards the retired member the total interest in the system, subject to similar time limitations.

This bill would also authorize these modifications in any instance when the retirant marries, rather than only when the retirant remarries, and the spouse is named as a beneficiary In that case the election must be made within 12 months following the marriage

This bill would also make additional changes in Section 21339 of the Government Code, proposed by AB 1632 to become operative only if this bill and AB 1632 are both chaptered and become effective on January 1, 1986, and this bill is chaptered after AB 1632.

Ch 522 (AB 1416) Condit. Accountants

Existing law authorizes an accountant or accountants to form a professional accountancy corporation and provides that the name of the corporation shall contain and be restricted to the name of one or more of the shareholders and either the words "accounting corporation" or the word "accountant" or "accountants."

This bill would delete the requirement that the name of the corporation is to be restricted to only those persons

The bill would also prohibit the use of a corporation name unless the name has been approved by the State Board of Accountancy as being neither false nor misleading, and would prohibit a sole shareholder accountancy corporation from using a name with certain plural terms unless the corporation employs a full-time staff, as specified

Ch. 523 (AB 287) Floyd Vietnam veterans memorial.

Existing law which will be repealed on January 1, 1986, provides for the Vietnam Veterans Memorial Commission and directs the commission to establish a schedule for the design, construction, and dedication of a memorial to California's Vietnam veterans on the grounds of the State Capitol. Funds received by the commission from private contributions for the memorial are required to be deposited in the Vietnam Veterans Memorial Account in the General Fund and are appropriated to the commission without regard to fiscal years The commission is authorized to request staff support and facilities from the Department of Veterans Affairs

This bill would make the commission responsible for setting policy and would make it the duty of the staff hired by the commission to carry out that policy. The bill would extend the repeal of these provisions to January 1, 1988, and would make an appropriation because the funds in the account would be appropriated for 2 additional years.

Ch 524 (SB 812) Deddeh. Legislators' and judges' retirement: members' contributions-employer "pick up"

(1) The Legislators' Retirement Law requires the Controller to deduct from the monthly salary of members, specified amounts which are required to be deposited in the Legislators' Retirement Fund.

This bill would authorize the state to pick up, as specified, all of those contributions

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to the Legislators' Retirement Fund, for the sole purpose of deferring income taxes thereon as authorized by specified federal and state income tax statutes, and require the payments to be reported as employer-paid contributions and to be credited to member accounts.

(2) The existing Judges' Retirement Law requires 8% of the monthly salary of each judge to be deducted, as specified, by the Controller and the county auditor, respectively, from that monthly salary and to be paid into the Judges' Retirement Fund but does not specifically authorize the state or the county to pay all or a portion of those contributions

This bill would authorize the state and the counties to pick up all of those contributions to the Judges' Retirement Fund, for the sole purpose of deferring income taxes thereon as authorized by specified federal and state income tax statutes, and require the payments to be reported as employer-paid normal contributions and to be credited to the judge's account.

(3) This bill would appropriate $11,000 from the Judges' Retirement Fund for implementation of item (2) above.

(4) This bill would appropriate $7,500 from the Legislators' Retirement Fund for implementation of item (1) above.

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

Ch 525 (SB 781) Stiern. Legislative Analyst studies

Existing law requires the Legislative Analyst to conduct a triennial evaluation of the costs and effectiveness of the activities of the State Council on Developmental Disabilities

This bill would repeal this requirement.

Existing law requires the Legislative Analyst to conduct a triennial evaluation of the costs and effectiveness of the activities of area boards on developmental disabilities.

This bill would repeal this requirement.

Existing law requires the Legislative Analyst to prepare and submit to the Legislature on or before January 1, 1986, a report examining the issue of limiting the liability of bar pilots and their employers providing piloting services in San Pedro Bay, and the effects of this limited liability on the maritime industry

This bill would repeal this requirement

Existing law requires the Legislative Analyst to submit an annual report to the Legislature regarding the transportation and rail passenger service development specified in Chapter 1183 of the Statutes of 1981

This bill would repeal this requirement.

Existing law requires the Legislative Analyst to report to the Legislature on January 1, 1984, on the economic impact of the sales and use tax exemption for gasohol

This bill would repeal this requirement.

Ch 526 (SB 801) Royce. Driver's licenses. anatomical gifts.

Existing law requires that, with every driver's license issued, the Department of Motor Vehicles shall make provisions for the licensee to indicate a willingness and intent to make an anatomical gift

This bill would, in addition, require the department to make space available, in the public area where applications for driver's licenses are received in each of its offices, for a sign or notice briefly describing the anatomical gift program and to make available pamphlets or brochures providing more detailed information. The bill would state that these signs, notices, pamphlets, and brochures shall be provided by private parties associated with the anatomical gift program without cost to the department.

Ch 527 (AB 2220) Roos Insurance: claims.

Existing law defines as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance various acts or practices relating to the payment of claims by insureds.

This bill would require the Auditor General to conduct a study regarding payment of claims by insurers, as specified, and report to the Legislature on or before June 1, 1986.

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Ch. 528 (AB 2415) Molina Minors.

Existing law specifies procedures for the declaration of the freedom of a minor from parental custody and control and for the adjudication of a minor as a dependent child of the juvenile court

This bill would authorize the testimony of a minor to be taken in these proceedings in chambers and outside the presence of the minor's parent, parents, guardian, or guardians, under specified circumstances

Ch. 529 (AB 1427) Costa. Transient occupancy taxes: campsites.

Under existing law, the legislative body of any city or county may levy a tax on the privilege of occupying a room or rooms in a hotel, inn, tourist home or house, motel, or other lodging unless such occupancy is for any period of more than 30 days.

This bill would prohibit any city, county, or city and county from levying a tax on the privilege of occupying a campsite in a unit of the state park system

Ch 530 (SB 152) Presley. Air pollution motor vehicles. transportation funding.

(1) Existing law establishes a biennial motor vehicle inspection and maintenance program providing for [the]* inspection of motor vehicles upon initial registration, biennially upon renewal of registration, and upon change of ownership The Department of Consumer Affairs has the sole and exclusive authority for developing and implementing the program and has specified ~~administration~~ [administrative]* and enforcement powers The program is required to provide for privately operated vehicle test stations and repair stations licensed by the department The test at the test stations is required to include a determination that federal and state required emission control devices and systems are installed and functioning correctly on the vehicle, a test of the vehicle's exhaust emissions of hydrocarbons, carbon monoxide, and carbon dioxide, and a determination as to whether the vehicle complies with the emission standards for that vehicle's class and model-year as prescribed by the department

This bill would, in addition, require a test of a diesel-powered vehicle's exhaust emissions in an idle mode or loaded mode in accordance with the procedure prescribed by the department when the department determines that inclusion of diesel-powered vehicles is technologically and economically feasible The department would be authorized to include other elements in the test, as specified.

(2) Under existing law, money in the Transportation Planning and Development Account in the State Transportation Fund is available, when appropriated by the Legislature, for allocation to operators, as defined, for public transportation purposes and, under specified circumstances, to counties and cities for specified transportation purposes An amount not to exceed $110,000,000 derived from the sales and use taxes with respect to motor vehicle fuel, with specified adjustments, is transferred annually from the Retail Sales Tax Fund to the account from the estimated increase in sales and use tax revenues resulting from imposing the tax at a 4¾% rate and on motor vehicle fuel instead of at a 5% rate and not on motor vehicle fuel.

This bill would authorize an operator in an urbanized area having a population of less than 200,000 persons to designate some or all of its allocation of the sales and use tax funds transferred to the account, and appropriated by the Legislature, for transfer to a funding exchange program, administered by the Department of Transportation, to receive federal mass transportation funds originally apportioned to the State of Arizona The bill would make a legislative funding and declaration regarding the funding exchange program.

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

Ch 531 (SB 1094) Craven. State Energy Resources Conservation and Development Commission.

Existing provisions of the Warren-Alquist State Energy Resources Conservation and Development Act require the State Energy Resources Conservation and Development Commission, among other things, to prescribe energy efficiency standards for new residential and new nonresidential buildings and for appliances.

This bill would require the commission to establish a formal process for certification of compliance options for new products, materials, and calculation methods The bill would authorize the commission to charge applicants a reasonable fee to cover the costs of the bill. The bill would require any money so received by the commission to be deposited in the Energy Resources Programs Account in the General Fund for appro-

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priation by the Legislature in the annual Budget Bill

Ch 532 (SB 793) L Greene. Alcoholic beverages.

Existing law generally imposes a fee for the transfer of ownership of a retail alcoholic beverage license which is 50% of the original fee but not more than $1,250. However, existing law provides that when a license is transferred, among others, from spouse to spouse, deceased partners to surviving partners, and from corporation to corporation where there is no change in ownership of shares, the fee for a transfer is $50.

This bill would subject to the lower, $50 fee, the transfer of a license to a revocable living trust when the licensee is the trustee of that trust.

Ch. 533 (SB 343) Davis. Sentences: enhancement.

Existing law provides for the enhancement of the penalty for a felony committed while the person is released from custody on bail or on his or her own recognizance pending trial on an earlier felony charge. The enhancement applies only where the person is convicted of both the earlier and the later felony, and consists of the imposition of an additional 2-year prison term for the later felony, which would be imposed consecutively to the term for the first felony if the person is not put on probation upon conviction of the first felony. Existing law also provides for the enhancement to be suspended pending a retrial if the earlier felony is reversed on appeal.

This bill would define the offense for which a person was released on bail or his or her own recognizance as a "primary offense," and the offense committed while so released as a "secondary offense," as specified. The bill would require pleading and proof of the enhancement allegation in connection with the secondary offense and would specify that the enhancement allegation need not be proved at the preliminary hearing. The bill would provide for the stay of imposition of the enhancement pending sentencing for the primary offense, and for the stay to become permanent upon acquittal of that offense

Ch. 534 (SB 49) B. Greene. Hazardous waste: taxes. refund

(1) Existing law imposes a tax, payable by July 1 of each year, upon the reported amount of hazardous waste disposed of in the preceding calendar year. The State Board of Equalization calculates this tax pursuant to a specified formula and the total taxes collected in any one fiscal year are limited to $15,000,000. Existing law provides for the deposit of this money into the Hazardous Substance Account ("California Superfund") and the money within this account may be expended by the State Director of Health Services, upon appropriation by the Legislature, to pay, among other things, for removal and remedial actions related to the release of hazardous substances.

This bill would authorize a person to apply to the State Board of Equalization for a refund of any tax assessed for the 1984 calendar year, if the tax was imposed upon the disposal of hazardous waste which was released, in a specified manner, in or onto land before September 25, 1981, and which is the subject of a voluntary removal or remedial action paid for by the owner of the land or the generator of that waste and conducted pursuant to a written plan approved by the State Department of Health Services before July 10, 1984 The bill would authorize the department to require the owner of the land or the generator of the waste to reimburse the department for the costs of specified site visits. The bill would require the board to make that refund and would specify the funds from which the board is required to pay the refund The bill would prohibit the refund from reducing the amount of any funds otherwise available for specified uses from the Hazardous Substance Account The bill would also make a statement of legislative intent concerning the public purpose of the refund

The bill would increase the maximum amount of these taxes which may be collected in any one fiscal year to $15,000,000 plus the amount of any refund made from a specified source This increase in the tax would impose a tax for purposes of Article XIII A of the California Constitution.

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

Ch 535 (AB 940) Papan. Drivers' licenses and certificates: schoolbus. school pupil activity bus: youth bus.

Under existing law, the Department of Motor Vehicles is authorized to issue, renew,

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deny, suspend, or revoke an application for a driver's license or certificate. The department has adopted a regulation requiring or authorizing the denial, suspension, revocation, or cancellation of a schoolbus, school pupil activity bus, or youth busdriver certificate under specified circumstances

This bill would require the Department of the California Highway Patrol, after consultation with the Department of Motor Vehicles, to adopt procedures and guidelines which specify the circumstances which warrant the suspension or revocation of a schoolbus, school pupil activity, or youth busdriver certificate.

The bill would prohibit the Department of Motor Vehicles from suspending or revoking a schoolbus, school pupil activity bus, or youth busdriver certificate except in accordance with the procedures and under the circumstances specified in the guidelines adopted by the Department of the California Highway Patrol.

Ch. 536 (AB 577) Grisham Water replenishment districts.

(1) Under the Water Replenishment District Act, water replenishment districts are authorized to levy and collect, in accordance with prescribed procedures, a replenishment assessment upon the production of groundwater from a groundwater supplier within the district. The district may, in this connection, require that a water-measuring device be affixed to each water-producing facility.

This bill would authorize a water replenishment district to exempt from collection any quarterly installment of the replenishment assessment of less than $3 otherwise payable by a producer.

The bill would also authorize a district to indefinitely suspend, in accordance with prescribed procedures, the date for affixing a water-measuring device to water-producing facilities if another public entity, or public entities, or a court-appointed watermaster, or watermasters, or combination thereof, is monitoring by appropriate means the water production of substantially all water producers within the district.

(2) Under that act, whenever any act is required to be done or proceeding taken by a water replenishment district on the first Tuesday in any month, the act or proceeding may occur on the day specified for the regular meeting of the district board.

This bill would instead authorize any act which is required to be done or proceeding taken on or set for a particular day or day of the week in any month, to be done or proceeding set for and acted upon on a day of the month otherwise specified for a regular meeting of the district board.

(3) The bill would delete obsolete provisions.

Ch. 537 (AB 578) Grisham. Water replenishment districts: assessments

Under existing law, water replenishment districts are authorized to levy and collect, in accordance with prescribed procedures and requirements, a replenishment assessment upon the production of groundwater from groundwater supplies within the district.

This bill would authorize a district to exempt from the replenishment assessment a program to remedy or ameliorate a problem of groundwater contamination if the water is not applied to beneficial surface use and the board of directors makes specified findings The bill would authorize the board to subject the program to those terms and conditions it deems appropriate and to rescind or modify the exemption in accordance with prescibed procedures.

Ch. 538 (AB 2487) Isenberg. Community facilities.

(1) Existing law provides for the creation of a community facilities district by the legislative body of a local agency, as defined.

This bill would expressly authorize the legislative body to accept advances of funds from any source and to use those funds for any authorized purpose, including, but not limited to, covering costs and incidental expenses incurred by the local agency in creating a district. The bill would permit the legislative body to enter into agreements to repay all or a portion of those funds

The bill would define "cost" and "incidental expenses."

(2) Existing law requires that a resolution of intention to establish a community facilities district state the type or types of public facilities and services proposed to be provided within the district, among other things.

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This bill would, in addition, require the identification of any public facilities to be purchased or constructed or incidental expenses to be paid.

(3) Existing law requires the legislative body to direct each of its officers who is or will be responsible for providing one or more of the proposed types of public facilities or services to study the proposed district and to file a report with the legislative body containing a description of the facilities or services which will be required to meet the needs of the district and an estimate of the cost of providing those facilities and services.

This bill would require the legislative body to direct its appropriate officer to estimate the fair and reasonable cost of any proposed facilities or incidental expenses.

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

Ch. 539 (AB 1112) Rogers. Discovery records. peace officers

Existing law requires a person who seeks discovery or disclosure of peace officer personnel records or information from those records to file a written motion with the appropriate court or administrative body upon 10 days written notice to the governmental agency which has custody and control of the records Existing law requires the motion to include affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality of the subject matter involved in the pending litigation and stating upon reasonable belief that the governmental agency identified has the records or information from the records. Existing law makes additional provisions for access to records of complaints, investigations of complaints, or discipline imposed concerning events or transactions in which a peace officer participated or perceived.

This bill would additionally require a party seeking disclosure in a case alleging excessive force by an arresting peace officer to include in the motion a copy of the police report setting forth the circumstances under which the party was stopped and arrested.

The bill would exempt from the disclosure requirements the records of peace officers, including supervisorial peace officers, who either were not present during the arrest or had no contact with the party seeking disclosure, from the time of arrest until the time of booking.

Ch. 540 (AB 1346) Herger Crimes: restitution

(1) Existing law, effective until January 1, 1989, requires a probation department to forward restitution payments to a victim of crime within 30 days, in the case of cash or money order, or within 45 days, in the case of a check or draft.

This bill would provide that such payments need not be forwarded to a victim until 180 days from the date the first such payment is received, if the restitution payments received total less than $50.

(2) Existing law, effective until January 1, 1989, provides that restitution payments to multiple victims involving significant administrative costs may be forwarded by a probation department when cost effective to do so, but in no event later than 90 days after receipt.

This bill would provide that such payments be forwarded in no event later than 180 days after receipt

Ch. 541 (AB 115) Cortese Cortese Local Government Reorganization Act of 1985.

(1) Under existing law, the Municipal Organization Act of 1977 establishes the procedure governing city incorporations, municipal reorganizations, and changes of organization, and the District Reorganization Act of 1965 establishes the procedure generally governing changes of organization and reorganization by districts. The existing Knox-Nisbet Act provides for the creation of local agency formation commissions (LAFCO) in each county which have the authority, generally, to review and approve or disapprove proposals for those incorporations, changes of organization, and reorganizations.

This bill would, operative January 1, 1986, repeal the Municipal Organization Act of 1977, the District Reorganization Act of 1965, and the Knox-Nisbet Act, and would enact the Cortese Local Government Reorganization Act of 1985 which would generally contain the provisions of those acts but in a substantially revised, consolidated, and reorganized format.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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This bill would impose a state-mandated local program by, among other things, requiring: (1) an affected district to conduct hearings on proposals for the annexation or detachment of territory to, or from, the district, (2) districts to submit a plan for providing services within the affected territory when the district submits a resolution of application for a change of organization with the executive officer of the LAFCO in which the affected territory is located, and (3) conducting authorities to receive and evaluate the value of written protests for proposals relating to certain changes of organization or reorganization.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 542 (AB 266) Hannigan. Property taxation

Existing law requires the State Board of Equalization to adopt rules and regulations defining the date of completion of new construction for the purposes of adjusting taxes resulting in changes in assessed value due to the completion of new construction. Under existing law, these rules and regulations are not subject to the review and approval of the Office of Administrative Law.

This bill would delete the provision which makes the rules and regulations adopted by the board not subject to the review and approval of the Office of Administrative Law.

Existing property tax law provides for a welfare exemption under which property used exclusively for various specified purposes and owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations meeting specified requirements is exempt from taxation

This bill would extend the welfare exemption to property owned by an educational institution of collegiate grade, as defined, meeting all of the specified requirements referred to above, which is leased for use exclusively for hospital purposes This bill would specify that the exemption for property used exclusively for housing facilities for elderly or handicapped families is available if supplemental care or services are provided at the property, or the property is financed by the federal government under specified laws, irrespective of whether the property is occupied by low- and moderate-income persons. This bill would also declare its intent in this regard. This bill would also make various technical clarifying changes in provisions relating to the welfare exemption.

The provisions of the bill extending the welfare exemption to property owned by an educational institution would be applicable to the 1986–87 fiscal year and fiscal years thereafter

Existing law provides that a tax on personal property belonging to an owner of real property on the secured roll located in the same county as the personal property, where the personal property is not located upon the real property on the lien date, is, on and after the lien date, a lien on the real property if a certificate is issued under certain conditions

This bill would permit the assessor, at his or her discretion, with the approval of the board of supervisors, to issue the certificate to the taxpayer attesting to the fact that the real property is sufficient to secure the payment of the tax.

This bill would make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code.

This bill would also take effect immediately as an urgency statute

Ch. 543 (AB 1118) La Follette. Access to EDD earnings records: STRS and PERS.

The State Teachers' Retirement Law and the Public Employees' Retirement Law, each require, when certain STRS disabilitants or recipients of a PERS disability retirement allowance engage in gainful occupation, certain adjustments in the respective disability allowances and disability retirement allowances, based on the earnings of those persons.

This bill would require the Employment Development Department, upon request by either system, to disclose to the system earnings information regarding those persons, as specified, if the person has filed a release permitting the department to furnish that information Any person receiving a disability retirement allowance who declines to authorize the release of earnings information would be required to provide the board with such proof of earnings as the board may require.

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This bill would also require the department to disclose to the University of California Retirement System, upon request, earnings information in its possession relating to any person who has applied for or is receiving disability income from that system, as specified.

Ch. 544 (AB 1059) Bader. School facilities: State School Lease-Purchase Law of 1976.

(1) Current provisions of the State School Lease-Purchase Law of 1976 authorize the State Allocation Board to require an applicant district to submit a 5-year plan of facility need, type, and grade level.

This bill would direct the board to require an applicant district to submit a 5-year plan for construction and rehabilitation of school facilities, as specified.

(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.

This bill would also require the board to determine that the applicant will utilize all existing sites to the extent economically and practically feasible.

Ch. 545 (AB 1410) Johnston. Privileges: patient and psychotherapist.

Under existing law, a confidential communication between a patient and psychotherapist is privileged, and the patient generally may refuse to permit the disclosure of that communication.

Existing law defines psychotherapist to mean persons practicing psychiatry, psychologists, clinical social workers in some situations, credentialed school psychologists, and marriage, family, and child counselors.

This bill would provide that a communication between a patient and an educational psychologist is privileged to the same extent, and subject to the same limitations, as a communication between a patient and a psychotherapist, as specified.

Ch 546 (AB 47) Vicencia Income taxes· deductions.

Under the Personal Income Tax Law, any taxpayer may designate on his or her tax return that a contribution in excess of any tax liability be made to the California Election Campaign Fund, the State Children's Trust Fund, the California Seniors' Fund, the United States Olympic Committee Fund, or the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund to support the purposes of those funds These contributions are not allowable as deductions for purposes of the tax return.

This bill would allow these contributions as deductions.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 547 (AB 412) Allen. Motorcycle safety.

Existing law establishes the California Traffic Safety Program in the Business, Transportation and Housing Agency. The program consists of a comprehensive plan to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Existing law establishing the program does not contain a specific element relating to motorcycle safety. Also, under existing law, the Department of the California Highway Patrol has certain responsibilities pertaining to motorcycle safety.

This bill would establish, until January 1, 1992, a motorcyclist safety program in the department to be administered by the Commissioner of the California Highway Patrol. The commissioner would be authorized to contract with public and private entities to provide support to projects aimed at enhancing motorcycle operation or safety, sponsor and coordinate efforts aimed at increasing motorists' awareness of motorcyclists, sponsor research into effective communication techniques to reach all highway users on matters of motorcyclist safety, and establish an advisory committee of specified membership to assist in establishing the program. The bill would require the commissioner to report to the Legislature annually on specified information pertaining to the program.

The bill would also require persons registering and renewing the registration of

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motorcycles to pay an additional $2 to the Department of Motor Vehicles. These funds would be deposited in the California Motorcyclist Safety Fund, which would be created by the bill, and would be available for purposes of the bill, when appropriated

Ch 548 (AB 1310) 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 or a nonprofit public benefit corporation, 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 specifically provides that no nonprofit public benefit corporation awarded a contract shall be eligible for a late payment penalty if there has been an advance payment made pursuant to Section 104 5 of the Health and Safety Code or if the state agency has failed to make timely payment because no Budget Act has been enacted. Under Section 104 5 of the Health and Safety Code, the State Department of Health Services may, to the extent funds are available, provide for advance payments for services to be performed under any contract with a total annual contract amount of $200,000 or less, which the state department determines has been entered into with any small, community-based public or private nonprofit agency with modest reserves and potential cash-flow problems

This bill would provide that a nonprofit public benefit corporation awarded a contract would not be eligible for a late payment penalty if the state agency has failed to make timely payment because no Budget Act has been enacted, rather than also if there has been an advance payment made pursuant to Section 104 5 of the Health and Safety Code

Ch. 549 (AB 777) Cortese Horseracing

(1) Existing law authorizes the California Horse Racing Board to allocate racing weeks for horseracing, but prescribes the maximum number of weeks which may be allocated for horseracing other than at fairs.

This bill would increase the maximum number of weeks which may be allocated for harness racing in the northern zone from 15 weeks per year to 25 weeks per year and for quarter horse racing in the northern zone from 15 weeks per year to 25 weeks per year.

(2) Under existing law, with specified exceptions, the maximum number of racing days which may be allocated to a fair is 14 days per year and the racing days are required to be days on which general fair activities are conducted

This bill would authorize the board, notwithstanding any other provision of the Horse Racing Law, to allocate annually a maximum of 28 racing days to any county fair in the northern zone which did not conduct horseracing prior to January 1, 1985 The bill would authorize the county fair to conduct any weeks of harness racing or quarter horse racing which are allocated to its facility The bill would exempt all racing at the county fair from the license fee retention provisions except for the 28 days

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

Ch 550 (AB 2482) Felando Handicapped accessibility. portable buildings

(1) Existing law requires that public buildings, as defined, meet certain handicapped accessibility standards Existing law permits the Department of Rehabilitation to exempt portable buildings leased or owned by a school district which are not used by the physically handicapped

This bill would repeal the provision permitting the exemption by the department and instead, require, on or after January 1, 1986, all portable buildings purchased, leased, or constructed by a school district to meet the accessibility standards, except as specified To the extent this would require school districts to meet new accessibility standards, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and

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other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

Ch 551 (SB 366) Torres Health facilities. bed classifications.

(1) Under existing law, there is no demonstration project, administered by the State Department of Health Services, which provides for the designation of swing beds in specified circumstances On January 1, 1985, a demonstration project was repealed which permitted swing beds licensed for general acute care to be used, in specific circumstances, as beds for skilled nursing care.

This bill would reenact this swing bed demonstration project It would require the department to seek any federal waiver necessary to implement those portions of its provisions applicable to Medi-Cal, as specified It would repeal these provisions on January 1, 1989

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

Ch 552 (SB 447) Vuich. Loans amounts subject to regulation.

(1) Existing law provides that specified provisions of the Personal Property Brokers Law, including provisions prescribing maximum loan charges, do not apply to, among others, any loan of a bona fide principal amount of $5,000 or more, if the exemption is not used to evade that law

This bill would provide that the provisions prescribing maximum loan charges shall, instead, be inapplicable to any loan of a bona fide principal amount of $2,500 or more. Conforming changes would be made as well

(2) Existing law provides that various provisions of the Consumer Finance Lenders Law, including provisions prescribing maximum loan charges, are not applicable to any loan of a bona fide principal amount of $5,000, if the exemption is not used for the purpose of evading that law

This bill would provide that the provisions prescribing maximum loan charges shall, instead, be inapplicable to any loan of a bona fide principal amount of $2,500 or more. Conforming changes would be made as well

(3) Existing law authorizes the courts to refuse enforcement of unconscionable contracts or contractual provisions

This bill would make unconscionable loan contracts of personal property brokers and consumer finance lenders a violation of their respective licensure laws

Ch 553 (AB 1634) Clute. Vietnam veterans: assistance to homeless

Existing law authorizes the creation in every county of a county veteran service office to assist veterans with aid and benefits provided by law and in presenting and pursuing claims and services available under federal and state laws.

This bill would make legislative findings and declarations concerning the urgent situtation of homeless Vietnam veterans in the Los Angeles, San Diego, and San Francisco areas The bill would direct the Department of Veterans Affairs to provide for 2 paid veterans assistant positions within the county veteran service officer's office in Los Angeles and one similar position each for the County of San Diego and the City and County of San Francisco The bill would authorize the department to contract with a private, nonprofit community-based organization providing services similar to those of a county veteran service officer for the filling of these positions The bill would require these veterans assistants to make contact with homeless veterans through public and private agencies providing shelter for homeless persons and advise and counsel needy veterans concerning available employment, job training, medical care, and counseling benefits and to coordinate these efforts with public and private community-based organizations providing benefits available to veterans The bill would direct the department to report to the Legislature on the operation and effect of these provisions on or before December 31, 1986, and December 31, 1987. The bill would repeal these provisions on

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January 1, 1988.

The bill would appropriate $200,000 to the department for purposes of employing these veterans assistants.

The bill would take effect immediately as an urgency statute

Ch. 554 (AB 881) Moore. Legal assistance

Existing law permits the superior, municipal, and justice courts to contract for services of assigned counsel, after consultation with the county board of supervisors as to total amount of compensation and expenses to be paid, as specified.

This bill would encourage the establishment of panels of experienced attorneys, as specified, from which a court could assign counsel to indigent defendants in counties which utilize an assigned private counsel system as either the primary method of public defense or as the method of appointing counsel where the public defender is unavailable.

Ch 555 (SB 484) Craven Mobilehome· manufactured housing registration fees

Under existing law, an annual registration fee of $11 is required for each transportable section of a manufactured home, mobilehome, or commercial coach subject to registration. Existing law has also created the Mobilehome Park Purchase Fund to provide loans to resident organizations for the purpose of financing mobilehome park conversion costs. The fund is continuously appropriated

This bill would impose an annual fee of $5 in addition to the annual registration fee for each transportable section of a manufactured home or mobilehome subject to registration, which is an increase in state taxes requiring a ⅔ vote of all of the members elected to each of the houses of the Legislature. The increased revenues would be placed in the Mobilehome Park Purchase Fund By placing additional revenues in this continuously appropriated fund, this bill would also make an appropriation

The provisions enacted by the bill would ~~be repealed~~ [become ineffective]* on January 1, 1989, unless a later enacted statute deletes or extends that date However, these provisions would be treated as being fully operative for purposes of collecting any fees which become due and owing on or before December 31, 1988

Ch. 556 (SB 685) Marks Small boats· towing: registration: City of Pittsburg marina project.

(1) Existing law requires any person engaged in the business of small boat towing, as defined, to obtain a certificate of registration issued, in accordance with prescribed requirements and procedures, by the Department of Boating and Waterways, prescribes minimum requirements to be met in the conduct of the business, and prescribes related matters.

This bill would declare legislative intent to repeal these provisions if fewer than 50 certificates of registration are issued by the department within a 2-year period following implementation of specified regulations The bill would require the Director of Boating and Waterways to submit a report to the Legislature on the number of certificates issued not later than one month following the expiration of the 2-year period.

(2) Existing law requires that the vessel used in the small boat towing business be under the command of a person who meets one of 3 minimum requirements, including possession of a current United States Coast Guard certificate for nonemergent commercial assistance

This bill would delete possession of this Coast Guard certificate from the minimum requirement options.

(3) Existing law states that the owner or operator of a boat harbor or other moorage is not engaged in the business of small boat towing merely by reason of rendering aid or assistance to boats regularly berthed or moored or launched from the harbor or moorage

This bill would also state that the owner or operator of a boat harbor or other moorage, or other marine facility, is not so engaged if the income from rendering aid or assistance to small boats, regardless of where berthed or moored or launched, does not exceed 5% of the person's annual gross income from the harbor, moorage, or facility

(4) Existing law requires applicants for certificates of registration to conduct a small boat towing service to obtain liability protection in an amount established by the direc-

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tor pursuant to a specified procedure

This bill would instead require that the amount of liability protection be equal to $500,000.

(5) Existing law authorizes, and under certain conditions requires, the department to suspend a certificate of registration.

This bill would require the department to conduct all proceedings to suspend a certificate pursuant to the provisions governing administrative adjudication in the Administrative Procedure Act.

(6) Existing law authorizes the department to construct, develop, and improve, either itself or by contract, coastal small craft harbors which normally do not produce revenue and also authorizes the department to make loans to local agencies for small craft harbor construction and improvement.

This bill would appropriate $1,750,000 from the Harbors and Watercraft Revolving Fund to the department for a loan to the City of Pittsburg for a marina project pursuant to those provisions.

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

Ch 557 (SB 94) Deddeh PERS retirement benefits. social security offset.

Two provisions of the Public Employees' Retirement Law require reduction, as specified, of the industrial disability retirement pension of any member having coordinated simultaneous social security coverage and of the special death benefit payable by the system to survivors of a member having simultaneous social security coverage, by prescribed amounts.

This bill would repeal those sections.

This bill would impose state-mandated local costs upon local agencies contracting with the Public Employees' Retirement System because additional costs to local contracting agencies will result from the elimination of the reduction or offset

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions provide a procedure for paying this reimbursement and require any statute mandating these costs to specify that reimbursement shall be made from the State Mandates Claims Fund for these costs

This bill would appropriate $41,000 to the State Mandates Claims Fund to reimburse local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act and $38,000 to the Public Employees' Retirement System for the state costs resulting from this bill

Ch. 558 (AB 1457) Katz Discount buying services.

Existing law exempts from regulation under the law on discount buying services any discount buying organization which provides discount buying services to its members, at a one-time fee of $50 or an annual fee of $25.

This bill would [also exempt organizations which]* provide for a one-time or annual fee not to exceed $50 ~~which an exempt discount buying organization may charge~~* if the organization provides a majority of the goods and services through [purchases by]* members who walk into a fixed location, as specified

Ch. 559 (AB 2312) Mojonnier. Adoption.

Existing law authorizes the State Department of Social Services or any licensed adoption agency to arrange for contact between an adult adoptee and his or her natural parent, upon request, as specified. It also delineates a procedure for the disclosure by the State Department of Social Services or a licensed adoption agency of the identification and address of his or her birth parents to an adoptee who has reached the age of 21, and of the name and address of an adoptee who has reached the age of 21 to his or her birth parent, upon request, and upon consent of the person whose name is to be disclosed, as specified. This latter procedure is applicable only to adoptions occurring on or after January 1, 1984

This bill would provide that if an adoptee who has attained the age of 21 has submitted his or her address and a written request for contact with any biological sibling whose existence is known to him or her, together with a written waiver of his or her rights with respect to the disclosure of his or her name and address to that sibling, with the State

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Department of Social Services or the adoption agency that joined in the petition for his or her adoption, as specified, and any such biological sibling who has attained the age of 21 also has made such a request, as specified, the department or the agency shall release to each of them the name and address of the other, as specified The bill would establish a state-mandated local program as this requirement would be applicable to county adoption agencies The bill would authorize the department or the agency to charge a reasonable fee, not to exceed $50, for this service. The bill would require the State Department of Social Services to prescribe a form for these requests and to announce the availability of the procedure, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 560 (SB 930) Seymour. Trust deeds: trustees' fees

Under existing law, the trustee under a trust deed may pay an agent or subagent to discharge the trustee's obligations under the trust deed

This bill would specify that these payments are lawful and valid if, when aggregated with the trustee's other fees, statutory limitations on the trustee's fees are not exceeded. The bill would also make a technical, clarifying change.

The bill would state that these changes are declaratory of existing law.

Ch 561 (SB 1103) Hart California State University· permanent off-campus center· Ventura County.

Existing law established the California State University, a system of public postsecondary education that operates through specified campus sites throughout this state.

This bill would require the Trustees of the California State University to contract for a site selection study and a related survey, as specified, pursuant to the possible use of the University Center at Ventura as an expanded and permanent off-campus center, in order to make upper division and graduate level education programs available in Ventura County This bill would appropriate $250,000 to the California State University for that purpose.

This bill would also require the trustees to develop criteria for the approval of any proposals for the state-funded purchase or construction of off-campus centers, and to submit the criteria to the California Postsecondary Education Commission. The trustees and the commission would be required to report to the Legislature concerning the criteria no later than July 1, 1986

This bill would take effect immediately as an urgency statute.

Ch. 562 (AB 476) Moore Public Utilities Commission. public staff division.

Existing law provides for the composition, organization, and functions of the Public Utilities Commission and provides for the regulation of public utilities by the commission under the Public Utilities Act. Existing law does not provide for the creation of divisions or organizations within the commission.

This bill would direct the commission to create an organization or division within the commission to represent the interests of public utility customers or subscribers in commission proceedings and to provide for the assignment of personnel to, and [the]* functioning of, the organization or division.

Ch. 563 (AB 743) Wright Arrest.

Existing law makes it a crime to inflict corporal injury resulting in a traumatic condition upon a spouse or a person of the opposite sex with whom one is cohabiting.

This bill would define "traumatic condition" for the purpose of that provision

Ch 564 (SB 418) Boatwright. Property tax revenue apportionments: audits.

Existing law requires the county auditor of each county to apportion and allocate property tax revenues for each fiscal year in a specified manner.

This bill would require the Controller to audit this apportionment and allocation on a periodic basis determined by the population of the county

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Ch. 565 (SB 271) Maddy. Agricultural marketing. unpaid fees.

(1) Under existing provisions of the California Marketing Act of 1937 and the Agricultural Producers Marketing Law, assessments or fees are paid by producers of a commodity for carrying out a marketing program for the commodity. The Director of Food and Agriculture is authorized to bring suit for recovery of unpaid assessments or fees

This bill would authorize the director to make deficiency determinations for marketing program assessments or fees under the above provisions, would provide procedures for redeterminations if requested, and would impose a state-mandated local program by authorizing the director to request a superior court to enter judgment against a person for a deficiency determination or redetermination that is not paid within the required time. The bill would also impose a state-mandated local program by authorizing any person named in a deficiency determination or redetermination to file an action in superior court for judicial review

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any 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 bill.

Ch 566 (SB 1360) Keene. Sonoma County funds: wastewater collection

Existing law authorizes any county, by a prescribed procedure, to appropriate any of its available moneys to a revolving fund not to exceed $500,000 to be used by certain districts, located wholly within the county, for specified purposes Existing law also provides for the reimbursement of such money made available to a district in a specified manner.

Another provision, which terminated January 1, 1985, authorized the County of Sonoma to appropriate any of its available moneys to such a revolving fund not to exceed $4,000,000 to be used by certain districts for various purposes which are determined to be a public purpose of the County of Sonoma, as determined by the Board of Supervisors of Sonoma County.

This bill would reenact the latter provision

This bill would declare the necessity for a special statute

This bill would take effect immediately as an urgency statute.

Ch. 567 (SB 638) Robbins. Construction contracts: indemnification for liability.

Existing law, with specified exceptions, precludes contracts to indemnify against liability for personal injury or property damage caused by negligence or willful misconduct in connection with performance of a construction contract, including contracts for specified related services and maintenance.

This bill would enact an exception to this prohibition. The bill would allow self-insured owners of plants and facilities who have a net worth exceeding $10,000,000, as detemined in the owner's most recent annual independent audit, to indemnify engineers and their agents and employees against liability over $250,000 for negligence in providing inspection services to the plants or facilities.

Ch. 568 (SB 383) Royce. Food stamps: penalties.

Existing law provides for the Food Stamp Program, which is administered by each county.

This bill would provide that whoever knowingly uses, transfers, sells, purchases, or possesses food stamps or authorizations to participate in the federal Food Stamp Program in any unauthorized manner is: (1) guilty of a misdemeanor if the face value of the food stamps or the authorizations to participate is $400 or less, and shall be punished by imprisonment in the county jail for a period of not more than six months, a fine of not more than $500, or by both such imprisonment and fine, or (2) guilty of a felony if

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the face value of the food stamps or the authorizations to participate exceeds $400, and shall be punished by imprisonment in the state prison for a period of 16 months, 2 years, or 3 years, a fine of not more than $5,000, or by both such imprisonment and fine or by imprisonment in the county jail for a period of not more than one year, or a fine of not more than $1,000, or by both such imprisonment and fine.

This bill would, by creating new crimes, create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute

Ch. 569 (SB 664) B Greene. Classified employees layoff.

Existing law requires the governing board of each school district to establish the classified service for purposes of the employment of persons for positions not requiring certification qualifications. Existing law specifies that classified employees shall be subject to layoff for lack of work or lack of funds, and requires that the order of layoff of classified employees within the class shall be determined by length of service. Existing law specifies that for purposes of these provisions, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as prescribed under current law

Existing law also authorizes the personnel commission in any district which has adopted the merit system for classified employees to prescribe and amend, subject to the statutory provisions of law, any rules necessary to ensure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness, subject to certain notice requirements.

This bill would specify that the definition of the term "length of service" is applicable only to school districts with an average daily attendance below 400,000. This bill would specify that for purposes of these provisions, in school districts with an average daily attendance of 400,000 or more, for service commencing or continuing after January 1, 1986, the term "length of service" shall be determined by the date of hire.

This bill would specify that in the event an employee returns to work following any other unpaid leave of absence, no further seniority shall be accrued for the time not worked.

Ch 570 (SB 702) Watson. Trauma systems.

(1) Under existing law, local emergency services agencies may designate trauma facilities as part of their trauma care system.

This bill would provide that no health care provider shall use the terms "trauma facility," "trauma hospital," "trauma center," "trauma care provider," "trauma vehicle," or similar terminology in its signs or advertisements, or in printed materials and information it furnishes to the general public, unless the use is authorized by local EMS agency. An existing statute would make violation of the provisions of the bill a misdemeanor, which is a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 571 (SB 591) McCorquodale. Computers.

Existing law provides that it is a public offense and a felony for any person to maliciously access or cause to be accessed any computer system or network for the purpose of obtaining unauthorized information concerning the credit information of another or cause false information to be introduced into a system or network for the purpose of wrongfully damaging or enhancing the credit rating of a person.

This bill would delete the above offense from existing law.

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Ch 572 (AB 450) Costa. Water rights.

Under existing law, at least 10 days prior to the day set for hearing by the superior court on an order of determination entered by the State Water Resources Control Board in a statutory adjudication of water rights, each party in interest who is dissatisfied with the order may file with the clerk of the court notice of exceptions to the order.

This bill would prohibit consideration of an exception to the order of determination, except in the court's discretion for good cause shown, unless the matter of the exception was presented to the board in the form of an objection. The bill would include specified evidence as good cause and would exempt from the bill persons to whom the board did not mail specified notice.

Ch. 573 (AB 421) Moore. Highway carriers· fines and penalties.

Existing law imposes criminal penalties upon persons or corporations who violate certain statutory provisions and orders of the Public Utilities Commission concerning the regulation of highway carriers. The commission may also impose a fine of not to exceed $5,000 for the first offense, and $10,000 for the second offense, upon a highway carrier for certain violations as an alternative to canceling, revoking, or suspending the permit and for overcharging, as specified These penalties are required to be deposited in the State Treasury, to the credit of the General Fund.

This bill would authorize the commission to seek an order enjoining those persons or corporations who violate these provisions or orders. The bill would authorize the commission to impose a fine of not to exceed $5,000 and interest, after a hearing, upon a person or corporation other than a highway carrier committing the violation knowingly and willfully. The bill would also increase, from $10,000 to $20,000, the maximum fine which may be levied upon highway carriers for certain violations in lieu of canceling, revoking, or suspending the permit

Ch. 574 (SB 264) Carpenter Nurses: licensing.

Existing law requires that the building standards published in the State Building Standards Code and other regulations adopted by the State Department of Health Services for health facilities prescribe certain specified standards, including staffing with duly qualified licensed personnel, based on the type of health facility and the needs of the persons served by those facilities, and prohibits those standards and regulations from requiring the use of a registered nurse for the performance of any service or staffing of any position in skilled nursing or intermediate care facilities which may be lawfully performed or staffed by a licensed vocational nurse, as prescribed. This prohibition would be repealed on January 1, 1986.

This bill would extend this prohibition until January 1, 1989, and expressly makes reference that it applies to freestanding skilled nursing or intermediate care facilities

Ch. 575 (SB 1060) Craven California State University: permanent off-campus center: San Diego County.

Existing law established the California State University, a system of public postsecondary education that operates through specified campus sites throughout this state.

This bill would require the Trustees of the California State University to consider the feasibility of establishing a permanent off-campus center in the northern portion of San Diego County, in order to make postsecondary education programs available in that area.

This bill would also require the trustees to develop criteria for the development of any proposals for the state-funded purchase or construction of off-campus centers within the California State University, and to submit the criteria to the California Postsecondary Education Commission. The trustees and the commission would be required to report to the Legislature concerning the criteria no later than July 1, 1986.

This bill would appropriate $250,000 to the California State University to conduct a site selection study and a related survey, as specified, pursuant to the establishment of the center

This bill would take effect immediately as an urgency statute

Ch 576 (AB 1867) Leonard. Public finance: property tax revenue allocations

Existing property tax law provides for the allocation of property tax revenues by the county auditor to various local jurisdictions in accordance with specific criteria.

This bill would impose a state-mandated local program by requiring each county auditor, for the 1985–86 fiscal year, to adjust property tax revenue allocations to special

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districts and school entities in order to provide an allocation to a qualifying district, as defined, of an amount calculated as the SAPE formula, as defined, with adjustments. Property tax revenue allocations to special districts, school entities, and qualifying districts for the 1986–87 fiscal year and fiscal years thereafter would be modified accordingly

This bill would require the Controller to make specified computations to be used in revising property tax revenue allocations of special districts for the 1985–86 fiscal year and to report these computations to each auditor for purposes of the property tax revenue allocation adjustments required by this bill

This bill would incorporate the amendments to Sections 97 and 98 of the Revenue and Taxation Code which are proposed by AB 241 or SB 1091 or both of these bills if either or both bills are chaptered and this bill is chaptered last

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for specified reasons

The bill would take effect immediately as an urgency statute

Ch 577 (SB 623) Dills Housing building standards.

(1) Existing law requires the State Building Standards Commission to approve building standards

This bill would provide that only those building standards approved by the commission, and which are effective within a local agency at the time an application for a building permit is submitted, shall apply to construction performed under that building permit.

(2) Under existing law, in order for loans to be insured, the California Housing Finance Agency is required to contract with the borrower to maintain residential rentals available to lower income households at affordable rents

This bill would require the agency to contract with the insured or the borrower, or both, for that purpose

(3) Existing law exempts any housing development which is financed with an insured mortgage from local rent control Units for which the agency provides a construction loan but not a mortgage loan and which are made available to lower income households are not included within that exemption

This bill would, instead, exclude units for which the agency provides insurance but not construction or mortgage loans from that exemption from the application of local rent control.

(4) Existing law permits the agency to provide insurance for loans for, among other things, privately financed housing developments that will benefit lower income households

This bill would include rental housing developments financed by local public entities within the meaning of privately financed rental housing development for purposes of authorizing the provision of that insurance

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

Ch 578 (SB 645) Dills California State University California State University Lottery Education Fund.

Under existing law, the Trustees of the California State University are among the educational agencies designated to receive moneys distributed from the California State Lottery Education Fund, as specified

This bill would create the California State University Lottery Education Fund, and would authorize the trustees to deposit and maintain in that fund, moneys received from the California State Lottery Education Code Notwithstanding provisions of law to the contrary, this bill would provide that all moneys in the California State University Lottery Education Fund shall be continuously appropriated without regard to fiscal year for expenditure by the trustees for educational purposes, as specified. All expenditures from the fund would be subject to an annual postaudit by the Audits Division of the State Department of Finance

This bill would authorize the moneys in the fund to be invested by the Treasurer,

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subject to the approval of the trustees, in certain eligible securities, and would require all interest accruing from any investment to be deposited into, and credited to, the fund.

This bill would take effect immediately as an urgency statute.

Ch 579 (SB 553) Craven State and local agency bonds: interest rates.

(1) Existing law provides that, until January 1, 1986, 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, 1986, 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, 1988, at which time the maximum rate would be reduced to 10% per year

(2) 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 July 1, 1986, the maximum rate is 11%

This bill would extend the 11% maximum interest rate on state general obligation bonds until July 1, 1988

Ch 580 (SB 350) Dills. State universities student fees. student body center.

Existing law authorizes the trustees of the California State University to require each student at a state university to pay a building and operating fee of up to $20 per academic year, pursuant to a vote of the students enrolled in the state university, as specified, the unexpended funds and money from which are available for financing, operating, and constructing a student body center

This bill would increase the maximum for that building and operating fee to $40.

Ch. 581 (SB 585) Watson. Physician's assistants: approval to supervise: suspension or revocation.

Existing law authorizes the Division of Allied Health Professions of the Board of Medical Quality Assurance to order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician's assistant for unprofessional conduct, as specified

This bill would, in addition, authorize the Division of Medical Quality of the Board of Medical Quality Assurance, in conjunction with an action it has commenced against a physician and surgeon, to, in its own discretion and without the concurrence of the Division of Allied Health Professions, order the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician's assistant for the same acts of unprofessional conduct

Ch. 582 (SB 413) Morgan Developmental disabilities.

Existing law specifies that the State Department of Developmental Services has jurisdiction over certain state hospitals, including Patton State Hospital. More recently enacted law provides that the State Department of Mental Health has jurisdiction over Patton State Hospital

This bill would provide that a state hospital under the jurisdiction of the department may also be known as a developmental center This bill would also delete Patton State Hospital from the institutions over which the State Department of Developmental Services has jurisdiction.

Existing law creates the Developmental Disabilities Program Development Fund in the State Treasury which is funded by General Fund appropriations, federal funds, and parental fees Existing law requires the Legislative Analyst to review and comment on the utilization and effectiveness of the fund in connection with the annual budget hearings

This bill would delete that requirement

Under existing law, the Director of Developmental Services is required to establish, annually review, and adjust a schedule of parental fees for services received through regional centers for the developmentally disabled The schedule shall be revised to reflect changes in economic conditions that affect parents' ability to pay the fee.

This bill would limit the revisions which could be made to reflect changes in economic

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conditions to not exceed an inflationary factor determined by the department.

Ch. 583 (SB 1017) Doolittle Infectious waste. enforcement

(1) Existing law requires the State Department of Health Services, and any local health officer or public officers designated by the [State]* Director of Health Services, to enforce the standards and regulations adopted by the department concerning hazardous waste

This bill would require local health officers, and their representatives, to enforce the regulations adopted by the department concerning infectious waste

(2) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by requiring local health officers to enforce certain regulations

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 584 (SB 752) Bergeson. School and community college districts· temporary borrowing.

Existing law prescribes procedures authorizing temporary tax anticipation borrowing by local agencies. Under existing law, the indebtedness is required to be represented by a note or notes issued pursuant to a resolution authorizing their issuance adopted by the legislative body of the local agency, except that a note or notes of a school district or community college district are required to be issued in the name of the district by the county board of supervisors following receipt of a resolution of the governing body of the school or community college district requesting the borrowing.

This bill would make this procedure, which is presently applicable to any school district, community college district, or county board of education applicable only to those school and community college districts and county boards of education which have not been accorded fiscal accountability status pursuant to prescribed provisions of law.

Ch 585 (SB 60) Rosenthal Telecommunications devices for the disabled

Under existing law, the Public Utilities Commission implements programs whereby telecommunications devices are furnished to telephone subscribers who are deaf or severely hearing-impaired and to statewide organizations representing the deaf or severely hearing-impaired and is required to adjust overall telephone rates not to exceed 3¢ per telephone line of each subscriber per month to pay for these programs and devices.

This bill would direct the commission, in addition, to design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled, as stated, and to adjust overall rates not to exceed a total of 10¢ per telephone line of each subscriber per month to pay for all of these programs. The bill would direct the commission to study the feasibility of, and implement if determined to be feasible, personal income criteria, in addition to the medical certification of disability, for determining a subscriber's eligibility under these provisions.

This bill would take effect immediately as an urgency statute.

Ch. 586 (SB 268) Ellis. Marriage

Existing law specifies that marriage may be solemnized by various persons, including any judge or magistrate of the United States.

This bill would define the term "judge or magistrate of the United States" for the

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purpose of that authorization. It also would validate any marriage solemnized by any such person prior to its effective date that is not otherwise invalid

Existing law specifies a procedure whereby an unmarried man and woman who have been living together as husband and wife may be married without a license and without the necessity of first obtaining health certificates (so-called "confidential marriages") Authorizations for the performance of such a marriage may be issued by the county clerk, the clerk of the court, a judge in private chambers, or any person authorized by law to administer oaths, as specified.

This bill instead would provide that these marriages may only be performed after the issuance of a license by the county clerk to the persons to be married or to a notary public approved by the county clerk to authorize confidential marriages pursuant to a specified procedure Inasmuch as the bill would require the performance of various new duties by the county clerk in connection with the procedure, it would establish a state-mandated local program As the bill also would make it a misdemeanor for a notary public to authorize such a marriage without being approved therefor, it also would establish a state-mandated local program on that basis

The bill also would make various related changes, including extending the obligation to a wife as well as to a husband to file a specified declaration regarding the solemnization of a marriage entered into by members of certain religious denominations Inasmuch as failure to make such a declaration is a misdemeanor, this provision would also establish a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 587 (SB 426) Bergeson Licenses license renewal: license reinstatement.

(1) Existing law generally specifies the maximum amount of the delinquency, penalty, or late fee which may be assessed against a licensee within the Department of Consumer Affairs, including a licensed contractor, for untimely license renewal. These fees are deposited in continuously appropriated funds associated with the boards, bureaus, committees, and commissions of the department.

This bill would, with respect to a delinquency, penalty, or late fee, provide that, except as otherwise provided by law, a minimum of $25 and a maximum of $150 may be assessed. The bill would also delete a provision which makes the Contractors' State License Board specifically subject to this fee assessment requirement. The bill would also provide that no delinquency, penalty, or late fee shall be assessed until 30 days have elapsed from the date that the licensing agency mailed a notice of renewal containing specified information to the licensee at the licensee's last known address of record Because this bill would increase the amount of moneys in the continuously appropriated funds associated with the boards, bureaus, committees, and commissions of the department, it would constitute an appropriation

This bill would require every board, bureau, committee, and commission of the department which experiences an increase in fee revenues as a result of the bill, to make a commensurate reduction in license renewal fees, as specified, beginning June 30, 1987 This requirement would become inoperative on June 30, 1991, and would be repealed as of January 1, 1992 The bill would also state that it is the intent of the Legislature that

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by June 30, 1991, these agencies shall have permanently adjusted their license renewal fees to offset any additional revenue resulting from the bill.

(2) Existing law generally permits a person whose license has been revoked or suspended by any of various specified governmental agencies to petition the agency for reinstatement, as specified. Existing law requires the agency to decide the petition and specify in the decision its reasons for the decision.

This bill would require the agency to also include in the decision any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. The bill would declare that this provision is not a change in, but is declaratory of, the existing law

Ch. 588 (SB 422) Watson Adoptions.

Existing law requires the probation officer or the county welfare department to make an investigation of each case of adoption by a stepparent where one natural parent retains custody and control of the child

This bill would provide that no home study, as defined, of the petitioner's home shall be required in such a case, unless ordered by the court, as specified.

Ch 589 (SB 451) Vuich. Agricultural marketing orders.

The California Marketing Act of 1937 provides authority for the Director of Food and Agriculture to issue marketing orders which regulate the marketing, processing, distribution, or handling of agricultural commodities. A marketing order may contain provisions for the "advertising and sales promotion," as defined, of any commodity to create, maintain, or enlarge markets, or prevent, modify, or remove trade barriers which obstruct the free flow of any commodity to market. Existing law, until May 31, 1986, includes within the definition of "advertising and sales promotion" activities for the modification or removal of trade barriers that restrict the free flow of a commodity to market, including negotiation with the federal government and foreign governments, and the allowance of reimbursement payments to offset commodity transportation costs to foreign markets. Existing law also requires, until May 31, 1986, that domestic f.o b. selling price not be used as a factor in determining qualifications for reimbursement payments, except as specified.

This bill would extend the termination date of the above-stated provisions to May 31, 1992. The bill would also include, in marketing order advertising and sales promotion, the authorization for reimbursement payments to offset commodity transportation costs to selected domestic markets

Ch. 590 (SB 33) Marks. Validations.

This bill would enact the Third Validating Act of 1985, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities

Ch. 591 (SB 546) Deddeh Taxation

(1) Existing law does not prohibit the disclosure by a financial institution to the State Board of Equalization of certain information required by specified statutes.

This bill would additionally not prohibit that disclosure with respect to specific statutes dealing with the board's notice of levy.

(2) Existing California Sales and Use Tax Law imposes a state tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from tax. The law defines "sales price" and "gross receipts" for purposes of measuring the taxes and specifically provides that, until January 1, 1987, for purposes of sales of used mobilehomes, "sales price" shall be based on current value of the used mobilehome, as determined by a recognized value guide, in connection with designated sales It provides that, for purposes of the use tax, if the value guide does not specify the age, model, and manufacturer of a used mobilehome or if the actual sales price of a used mobilehome is less than the current value specified in the value guide, the "sales price" and "gross receipts" shall be based on the actual sales price of the mobilehome as evidenced by the purchase documents.

This bill would additionally provide that, for purposes of the sales tax, if the value guide does not specify the model or manufacturer of a used mobilehome, the value of

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the used mobilehome shall be established by reference to the highest value in the value guide according to age and size, or the actual sales price, whichever is less. It also would provide that if the actual sales price of a used mobilehome is less than the current value specified in the value guide, the "sales price" and "gross receipts" shall be based on the actual sales price of the mobilehome as evidenced by the purchase documents Those provisions would not become operative if AB 461 is chaptered, as specified.

This bill would provide that when the State Board of Equalization determines it is necessary for the efficient administration of the Sales and Use Tax Law, the board may require any person making sales to operators of catering trucks who resell the property in the regular course of his or her business, to obtain evidence that the operator is the holder of a valid seller's permit, and would prescribe a specified fine for failure to comply with that requirement.

(3) The existing Sales and Use Tax Law exempts the gross receipts from sales of vessels of more than 1000 tons burden by the builders thereof and the storage, use, or other consumption in this state of any ship of more than 1000 tons burden which is purchased in this state from the builders and with respect to which the use tax would, if the ship had been purchased outside this state or in interstate commerce, be inoperative because prohibited under the Constitution or the laws of the United States or the California Constitution.

This bill would instead exempt from the sales tax the gross receipts from sales of vessels of more than 1000 tons burden by the builders thereof.

(4) Under the existing sales and use tax, gas tax, diesel tax, insurance tax, cigarette tax, alcoholic beverage tax, timber yield tax, energy resources surcharge, telephone users surcharge laws, hazardous substances tax, and universal telephone service tax, the State Board of Control must approve a refund or credit to a taxpayer of $5,000 or more.

This bill would permit the State Board of Equalization to grant a credit or refund under those tax laws of not more than $15,000.

(5) Existing provisions of the Bradley-Burns Uniform Local Sales and Use Tax Law and Transactions and Use Tax Law authorize a county, city, redevelopment agency, and district, as defined, to adopt a sales and use tax by ordinance which contains specified provisions.

This bill would provide that any such ordinance shall be deemed to adopt by reference the required provisions specified by statute, as now in effect or as later amended, regardless of whether or not the ordinance was adopted or amended prior to or after the effective date of this bill.

(6) Under the existing Use Fuel Tax Law, the term "user" includes any person who, within the meaning of the term "use," as defined, uses fuel

This bill would provide that when the State Board of Equalization determines that it is necessary for the efficient administration of the Use Fuel Tax Law to regard any lessor of vehicles as the agent of the lessee, with regard to the equipment leased, the board may so regard the lessor and may qualify the lessee as the user for purposes of that law

(7) Under existing Emergency Telephone Users Surcharge Act, the amounts of surcharges required to be collected are due quarterly and are to be remitted to the State Board of Equalization by the service supplier no later than 60 days after the close of a calendar quarter.

This bill would instead require those amounts to be remitted to the board no later than the last day of the second month following a calendar quarter and would make other conforming changes to related provisions

(8) The existing Emergency Telephone Users Surcharge Act and the existing Moore Universal Telephone Services Act prescribe a limited period of time for every notice of deficiency determination to be given by the State Board of Equalization

This bill would provide that if before the expiration of the time prescribed for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after that time, the notice may be mailed at any time prior to the expiration of the period agreed upon. It also would provide that the period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon

(9) The existing Moore Universal Telephone Service Act imposes a tax on every service supplier in the state measured by the gross revenues received from intrastate telecommunications service provided on or after July 1, 1984

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This bill would provide that gross revenues received from intrastate telecommunication service shall be taxed under that law only to the extent that the amount has not been previously included in gross revenues subject to that tax. It would also make technical changes to that law with respect to the dates for mailing the notice of a deficiency determination, for increasing the amount of the determination, and for approving refunds.

Ch. 592 (SB 769) Ellis. Crimes reports: Attorney General.

Under existing law, sheriffs and police chief executives are required to make reports to the Attorney General concerning designated crimes. The Attorney General may also require reports concerning other crimes. Also, child protective agencies are required to make specified reports to the Department of Justice concerning instances of suspected child abuse.

This bill would require the Attorney General to report annually to the Legislature concerning the information reported to the Department of Justice about child sexual abuse.

Ch. 593 (SB 197) Foran. Bridge and highway districts. board of directors: compensation.

[(1)]* Under existing law, each member of the board of directors of a bridge and highway district receives a maximum annual compensation of $3,600, except the president of the board who receives a maximum annual compensation of $5,000. Each member of the board, including the president, receives necessary travel expenses incurred by him or her in the performance of his or her duties

This bill would increase the maximum annual compensation for each member of the board to $5,000 and would increase the maximum annual compensation for the president of the board to $7,500. The bill would also make technical, nonsubstantive changes regarding travel expenses for members of the board of directors

[(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 granting members of the board of directors of a bridge and highway district an increase in their maximum annual compensation.

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. 594 (SB 32) Marks. Validations.

This bill would enact the Second Validating Act of 1985, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would take effect immediately as an urgency statute.

Ch 595 (SB 626) Rosenthal. Information Practices Act.

The Information Practices Act of 1977 restricts disclosure of personal and confidential information, as specified, which is contained in public records and which would otherwise be public.

This bill would delete references to the term "confidential information," revise other definitions in the act, and otherwise clarify the act's provisions. Among other things, the bill would revise the contents of the notice which state agencies must file with the Office of Information Practices if the agency maintains a system of records containing personal information.

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Ch. 596 (AB 626) Moore. Nuclear facilities· decommissioning.

(1) Under existing law, public utilities are subject to the jurisdiction and control of the Public Utilities Commission under the Public Utilities Act as to their rates and conditions of service.

This bill would enact the Nuclear Facility Decommissioning Act of 1985. The bill would require each public utility owning, in whole or part, or operating a nuclear facility, as defined, to establish a fund meeting certain tax requirements for decommissioning costs for nuclear facilities. The bill would authorize the public utility to establish other appropriate funds for these costs. The commission would be required, for ratemaking purposes, to review and approve the estimated service life and the estimated retirement date of each nuclear facility. The commission would be required to authorize the public utility to collect decommissioning costs from ratepayers and to determine whether costs in excess of money in the fund or funds at the time of decommissioning a nuclear facility are reasonable in amount and prudently incurred, so as to be charged to ratepayers. The bill would require each public utility to provide decommissioning cost estimates to the commission for all nuclear facilities The bill would impose a state-mandated local program because violations of these provisions would be crimes.

The bill would become operative only if AB 66 is enacted and becomes effective.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 597 (AB 85) Sebastiani. Handguns.

Under existing law, a state employee is allowed to purchase goods, supplies, equipment, or materials from the state 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.

This bill would allow any peace officer, as specified, employed by the State of California for more than 120 months who has been duly retired through either a service or disability retirement not related to a mental or emotional disorder and who has been granted the legal right to carry a concealable firearm, because he or she is a retired peace officer to be authorized by the person's department head to purchase his or her state-issued handgun if it was provided to the officer for a minimum of 120 months.

Ch. 598 (SB 144) Watson. Health care providers.

Existing law requires various licensees of various boards within the Department of Consumer Affairs to complete specified continuing education courses as a condition of renewing their respective licenses.

This bill would require all licensing agencies within the Department of Consumer Affairs to develop a plan and proposal, which is required to be submitted to the Legislature and the Governor on or before July 1, 1986, whereby certain health care providers may receive partial exemption or credit toward continuing education requirements for completing specified courses in preventive health services or health care cost containment or management, as specified. These provisions would be repealed on December 31, 1986.

Ch. 599 (AB 420) Moore. Motor transportation brokers.

(1) Existing law requires any person, firm, or corporation engaging in the business of a motor transportation broker, as defined, to obtain a license annually from the Public Utilities Commission, but exempts from these provisions a carrier operating for compensation over the public highways which is under the jurisdiction of the commission. Existing law also prohibits the commission from issuing a motor transportation broker license to a copartnership or a corporation.

This bill would revise and restate these provisions as the Motor Transportation Brokers' Act, would permit corporations as well as persons to be licensed, and would provide for licenses of indefinite duration. The bill would provide for the deposit of license fees and penalties in the Transportation Rate Fund which, under other provisions, is continuously appropriated to the commission, thereby ~~constituting~~ [making]* an appropriation.

The bill would permit the commission to regulate the operations, practices, and

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contracts, but not the rates and charges of, motor transportation brokers. The bill would provide for the regulation of matters related to the conduct of the business of motor transportation brokerage and the business relationships of motor transportation brokers and motor carriers, consignors, consignees, and shippers.

The bill would also, by changing certain criminal penalties applicable to violations of these provisions, impose a state-mandated local program The bill would also authorize the commission to impose a civil penalty of up to $5,000 for a first offense, or $10,000 for a second offense, for the same reasons for which, under existing law, the commission is authorized to suspend or revoke a motor transportation broker's license

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 600 (AB 909) McAlister Electronic fund transfer.

Existing law permits any person entitled to the receipt of benefits from any state retirement system to authorize the payment of the benefits to be directly deposited by electronic fund transfer into the person's account at the financial institution of his or her choice, and permits the Controller to make an agreement with specified financial institutions, and to establish a program for the direct deposit thereof by electronic fund transfer

This bill would require, rather than permit, the Controller to make the above agreement with financial institutions and to establish a program for the direct deposit of those benefits by electronic fund transfer

Existing law permits state officers and employees to authorize the direct deposit by electronic fund transfer of their salaries and wages into an account at the financial institution of the person's choice, and permits the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit by electronic fund transfer of state officers' and employees' salaries and wages

This bill would require, rather than permit, the Controller to make the above agreement with financial institutions and to establish a program for the direct deposit of salaries and wages by electronic fund transfer.

Existing law requires that an itemized statement be furnished on a quarterly basis to a state employee who has authorized the direct deposit by electronic fund transfer of salaries or wages.

This bill would require that an itemized statement, as specified, be furnished at the time of each payment of salary or wages, whether by direct deposit by electronic fund transfer or otherwise.

Existing law permits the State Department of Social Services to provide for the delivery of public assistance payments at any time during the month consistent with federal law relating to recipient monthly reporting requirements

This bill would provide that, notwithstanding any other provision of law, any person entitled to the receipt of public assistance payments may authorize payment to be directly deposited by electronic fund transfer into the person's account at the financial institution of his or her choice This bill would require each county treasurer to make an agreement with specified financial institutions relating to, and to establish a program for, the direct deposit of public assistance payments by electronic fund transfer. That requirement would apply only in a county in which the board of supervisors has adopted a resolution to implement an electronically based system for delivering public assistance payments This bill would also require the department to cooperate with county treasurers and private financial service providers, as specified, in developing and implementing an electronically based system for delivering public assistance payments to recipients who do not have individual deposit accounts with financial institutions

This bill would become operative on January 1, 1987

Ch. 601 (SB 606) Carpenter. County Employees Retirement Law of 1937

The existing County Employees Retirement Law of 1937 authorizes deductions from retirement allowances or benefits from the system to be made for various specified matters

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This bill would authorize deductions to be made for payments to charitable organizations approved by the board of retirement and the board of supervisors and for payments for the purchase of United States Savings Bonds.

The existing County Employees Retirement Law of 1937 authorizes counties, under specified conditions, to employ retired members for not to exceed 90 working days in any one fiscal year.

This bill would change that time limitation to not to exceed 90 working days or 720 hours, whichever is greater, in any one fiscal year

Ch. 602 (AB 1152) Stirling School districts. real property transactions

Existing law requires the governing board of a school district to call and hold an election, as specified, before entering into a lease or agreement relating to real property, except as to any lease or agreement that would effect an increase in the existing applicable maximum tax rate of a community college district

This bill, as to that exception, would instead specify that an election would be required only where the lease or agreement would effect an increase in the existing applicable maximun tax rate of the school district.

Ch 603 (SB 684) Robbins. Private investigators.

Existing law provides that a private investigator, for purposes of regulation pursuant to the Private Investigator Act, means a person who furnishes or agrees to make, or makes, any investigation for specified purposes. The law defines a private patrol operator or operator of a private patrol service to mean a person who, among other things, agrees to furnish a person to protect persons.

This bill would revise the definition of a private investigator to include a person who engages in business or accepts employment to furnish, or agrees to furnish, any person to protect persons and would specify conditions for that employment

Ch 604 (AB 342) Johnston Municipal courts

(1) Existing law provides that the court commissioner of the Stockton Municipal Court shall receive a salary equal to 75% of the salary of a judge of the municipal court.

This bill would provide that the commissioner shall receive a salary equal to 70, 75, or 80% of the salary of a judge of the municipal court, and would require the court to determine the level of salary to be received by a court commissioner by making adjustments on the 3 levels in accordance with the qualifications, performance, and other factors deemed relevant by the court

This bill would impose a state-mandated local program by authorizing a higher salary for the court commissioner of the Stockton Municipal Court.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 605 (AB 1956) N. Waters. Youth Authority

The Budget Act of 1984 appropriated $1,502,000 from the Special Account for Capital Outlay in the General Fund for the preparation of working drawings for, and the construction of, vocational education workshops at the Preston School of Industry

This bill would provide that the unencumbered balance of that appropriation shall revert to that account on the effective date of this act, and would appropriate $1,846,000 from that account to the Department of the Youth Authority for the above specified purposes

The bill would take effect immediately as an urgency statute.

Ch 606 (SB 250) Vuich. Commercial transactions

Existing provisions of the Commercial Code contain provisions relating to priorities among conflicting security interests in the same collateral. A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 10 days thereafter

This bill would extend that time period to within 20 days thereafter

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Ch. 607 (AB 362) La Follette. Vehicular pollution control: new vehicles

Existing law requires all new motor vehicles sold and registered in this state to be tested at the manufacturer's assembly facilities for emissions, as specified, and authorizes the State Air Resources Board to impose, by regulation, fees on the manufacturers of these vehicles to recover the costs of this testing These fees are appropriated to the state board to pay for the costs of this program

This bill would require a manufacturer who fails to pay these fees when specified, to pay an additional fee equal to a specified percentage of the fee and an additional interest fee equal to the interest rate earned by the Pooled Money Investment Fund upon the fees for each 30-day period, for which the fees are unpaid, commencing 60 days after the receipt of the invoice for the testing fees. The [state]* board would be required to deposit these additional fees in the Air Pollution Control Fund

Ch. 608 (AB 506) N Waters Vehicle towing

(1) Under existing law, the driver of any vehicle involved in an accident resulting in damage to property is required to locate and notify the owner or person in charge of the property of the name and address of the driver and owner of the vehicle involved or leave specified information in a conspicuous place and notify the law enforcement agency, as specified, of the damage

This bill would require any towing company that, in removing a vehicle, cuts, removes, otherwise damages, or leaves open a fence without the prior approval of the property owner or person in charge of the property to either ~~(1)~~ [(a)]* locate and notify the property owner or person in charge of the property of the damage or open condition of the fence, the name and address of the towing company, and the license, registration, or identification number of the vehicle, or ~~(2)~~ [(b)]* leave that information in a conspicuous place and notify the law enforcement agency, as specified, of that information and the location of the damaged or open fence Any person failing to comply with those requirements would be guilty of an infraction By creating a new crime the bill would impose a state-mandated local program

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 609 (AB 507) N Waters Forest practices. timber harvest plan. approval

Under the Nejedly-Z'berg Forest Practice Act of 1973, no person may engage in timber operations unless a timber harvesting plan prepared by a registered forester, as specified, has been submitted for those operations to the Department of Forestry Those plans are required to be reviewed by the Director of Forestry to determine if they are in conformance with the act and rules and regulations under the act A person whose plan is not approved may file an appeal and request a public hearing before the State Board of Forestry

This bill would provide that, if the plan is not approved on appeal to the board, the plan may be found to be in conformance by the director within 10 days of the board action, provided the plan is brought into full conformance with the act and the rules and regulations of the board

Ch 610 (SB 504) Ellis. Automotive repair commercial vehicles

Existing law, known as the Automotive Repair Act, makes it a misdemeanor to engage in the repair of motor vehicles without being licensed. The term "motor vehicle" is defined, for the purposes of the Automotive Repair Act, as not including a commercial vehicle

This bill would specifically include a commercial vehicle with a gross vehicle weight of less than 10,000 pounds within the definition of motor vehicle for the purposes of the Automotive Repair Act. This bill would, however, exclude from the definition of "repair of motor vehicles" those repairs made pursuant to a commercial business agreement, as defined This bill would impose a new program or higher level of service upon local governments by expanding the scope of an existing crime

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

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This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 611 (AB 670) Klehs Political Reform Act conflicts of interest.

Under the Political Reform Act of 1974, conflicts of interest are prohibited A public official has a conflict of interest when the official has a financial interest in a governmental decision and the decision will have a material financial effect, distinguishable from its effect on the public generally, on any business entity in which the official has an investment, any real property, any source of income, and any business entity in which the official is a director, officer, partner, employee, or holds a position of management, as specified

This bill would, in addition, provide that the official has a financial interest if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or member of the official's immediate family.

This bill also would specifically provide that the conflict of interest provisions of the act apply to county counsels and city attorneys

Ch 612 (SB 780) Stiern. Veterinary medicine license and certificate renewal examination and renewal fees

(1) Existing law provides that the maximum fee for the renewal of the registration of an animal health technician shall be not more than $25

This bill would increase that maximum to $50. The fees would be deposited in the Animal Health Technician Examining Committee Fund

(2) Existing law provides that veterinary licenses expire at 12 p m on August 31 of each odd-numbered year if not renewed, and that animal health technician certificates expire at midnight on February 1 of each year if not renewed

This bill would repeal these provisions and provide, instead, that all veterinary licenses and animal health technician certificates shall expire at 12 midnight of the last day of the birth month of the licensee or certificate holder during the second year of a 2-year term if not renewed. The bill would require the Board of Examiners in Veterinary Medicine to establish, by regulation, the procedures for the administration of a birthdate renewal program, as specified The bill would also specify the method of renewal of an unexpired license or certificate and the effective and expiration dates of a renewed license or certificate

(3) Existing law prescribes maximum examination fees and renewal fees which may be assessed by the board with respect to veterinary licenses The fees are required to be credited to the Board of Examiners in Veterinary Medicine Contingent Fund

This bill would increase the maximum examination fees which may be assessed from $90 to $180 and the maximum renewal fees which may be assessed from $100 to $150.

(4) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Animal Health Technician Examining Committee Fund and the Board of Examiners in Veterinary Medicine Contingent Fund

Because this bill would authorize an increase in the amount of moneys in those funds, which are continuously appropriated, it would constitute an appropriation

Ch 613 (AB 769) Alatorre Hypodermics

Existing law prohibits any person, with specified exceptions, from furnishing hypodermic needles or syringes unless the person has a permit issued by the State Board of Pharmacy, and generally regulates the sale, furnishing, or possession of hypodermic needles and syringes.

This bill would revise those provisions by (1) reorganizing the provisions, (2) authorizing the board to require information from all applicants instead of from specified applicants, (3) authorizing the board to discipline any permitholder rather than only specified permitholders, and (4) authorizing the board to confiscate hypodermics which are not kept on licensed premises and not under the control or possession of a person exempt from obtaining a permit

Ch. 614 (SB 800) Craven Courts. fees

Existing law authorizes the Board of Supervisors of San Diego County to establish

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municipal court administrative assessments, not to exceed $10, to cover the cost of recording and maintaining records of violations of the Vehicle Code 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 are authorized to be implemented on a demonstration basis between January 1, 1984, and January 1, 1986, and require an annual report to the Legislature, as specified.

This bill would delete the provisions limiting the program to a demonstration basis between January 1, 1984, and January 1, 1986, and the provisions requiring an annual report to the Legislature, and would make related changes.

Ch. 615 (SB 898) Campbell. Public works contracts.

Existing provisions of the State Contract Act govern public works projects, as specified, which will exceed in cost a total of $25,000

This bill would adjust the total cost amount, as specified.

In addition, the bill would provide that notwithstanding the above provisions, work in excess of $25,000 which would otherwise constitute a project, shall not be done by day's labor unless certain specified requirements are met.

Ch. 616 (SB 983) Roberti. Alcoholic beverages

Existing law, generally restricts certain alcoholic beverage licensees, including manufacturers and winegrowers, from paying, crediting, or compensating a retailer for advertising in connection with the advertising and sale of distilled spirits.

This bill would expressly authorize the holders of both a beer manufacturer's license and a winegrower's license to purchase advertising space and time from, or on behalf of, an on-sale retail licensee under specified conditions, pursuant to written contract. The bill would make a statement of legislative findings.

The bill would create a new crime and thus a state-mandated local program by providing that a beer manufacturer or winegrower who induces a beer or wine wholesaler to fulfill those contractual obligations on behalf of an on-sale licensee would be guilty of a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch. 617 (SB 308) Marks. Local agencies.

(1) Existing law authorizes counties to enact ordinances establishing procedures for the abatement of nuisances on land, and to levy a special assessment against the land for the cost of abatement. The assessment is required to be collected at the same time and in the same manner as, and to be subject to the same penalties and procedures for sale of the land in case of delinquency, as is provided for county taxes.

This bill would, instead, specifically describe the procedures to be utilized by a county in levying and collecting a special assessment for the cost of abating a nuisance.

(2) Existing law authorizes a county to establish the office of county hearing officer, and specifies particular functions which the county may authorize the hearing officer to perform.

This bill would, in certain cases, require a county hearing officer to perform specified functions. In so doing, the bill would impose a state-mandated local program.

(3) Existing law authorizes other local public entities to contract with a county for services of the county hearing officer, and requires those local public entities to reimburse the county for the actual cost of providing the service.

This bill would, instead, authorize reimbursement to be as provided for in the contract, and would require certain reimbursement to be made only in cases in which the contract for services does not provide for reimbursement.

(4) Existing law authorizes the formation of public cemetery districts consisting of contiguous lands in one or more counties, and authorizes the annexation of contiguous land to such a district

This bill would remove the requirement that lands included within or annexed to a

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public cemetery district be contiguous to lands of the district The annexation of noncontiguous land by a public cemetery district would involve proceedings by other local governmental agencies, and, to the extent this change would increase the number of annexations, it would thereby impose a state-mandated local program.

(5) Existing law provides that vacation time of county officers and employees may not be cumulated from year to year.

This bill would delete that prohibition.

(6) Existing law prescribes a procedure for the voters of a city to petition for and to change the name of a city at a special election

This bill would delete that procedure, and would authorize the legislative body to change the name of a city by ordinance.

(7) Existing law authorizes the legislative bodies of 2 or more cities and counties to create a joint planning commission for all or portions of their cities and counties.

This bill would, instead, authorize 2 or more legislative bodies to create a joint area planning agency, planning commission, or advisory agency. The bill would also authorize 2 or more legislative bodies to authorize their planning agencies, or any components thereof, to meet jointly, and to jointly exercise any power or perform any duty common to them

(8) Existing law prescribes the powers and duties of local planning agencies

This bill would require all public officials to furnish to a local planning agency such available information as may be required for the work of the planning agency

(9) Existing law requires each director of a public utilities district to execute an official bond in the amount of $3,000.

This bill would delete that requirement.

(10) Existing law requires a county board of equalization in conducting a hearing on an application for a reduction in the assessment of real property to make written findings of fact if requested by a party. Existing law permits the county to impose a fee, not exceeding a prescribed amount, for the expense of preparing findings and conclusions

This bill would delete the maximum limitations on the amount of the fee, and would require the requesting party to pay the fee prior to the conclusion of the hearing The bill would also require that a fee or deposit paid by a requesting party be refunded if the requesting party abandons the request for written findings and no findings have yet been prepared.

(11) The bill would also make various technical changes in certain provisions relating to local agencies in order to conform the affected provisions to other existing provisions, and would make certain nonsubstantive and other clarifying changes.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions

Ch 618 (AB 603) Hughes. Student aid.

This bill would appropriate $430,000 from the Real Estate Fund to the Trustees of the California State University, the income and earnings from which would be allocated by the trustees, pursuant to consultation with the commission, to minority and disadvantaged students enrolled at campuses of the university in programs oriented to career placement in the real estate industry The bill would require the trustees to annually report to the Legislature regarding expenditures and awards pursuant to these provisions. The bill would repeal these provisions as of January 1, 1991.

Ch. 619 (AB 817) Jones. Financial responsibility

(1) Under existing law, whenever a driver is involved in an accident on a street or highway which results in bodily injury, death, or property damage greater than $500 to the property of any one person, and the person fails to prove that financial responsibility was in effect at the time of the accident, the Department of Motor Vehicles is required to suspend the person's driving privilege. The suspension is for one year and until the person files with the department proof of financial responsibility, which is then required

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to be maintained for an additional 3 years. Proof of financial responsibility can be established, in addition to other ways, by depositing cash or bond of $35,000 After 3 years after the accident, the balance of the deposit is required to be refunded, as specified. After 5 years any unclaimed balance is transferred to the Motor Vehicle Account in the State Transportation Fund

This bill would make that refund period 4 years after the effective date of the suspension, would transfer the unclaimed balance after 6 years after the effective date of the suspension, and would make a conforming change regarding the designation of the fund.

(2) Existing law requires the department to suspend a person's driving privilege upon receipt of a copy of a judgment showing the person has failed to satisfy a judgment arising out of a motor vehicle accident, as specified The court is required to forward the documents to the department 30 days after the judgment has become final under specified conditions Existing law also provides, until January 1, 1988, separate provisions for suspensions for failure to satisfy a small claims court judgment

This bill would conform the documents required by the department to those required to be issued by the court, would impose a state-mandated local program by requiring the court to issue the documents to a judgment creditor requesting them rather than forwarding them to the department, and would require a fee of not to exceed $20 to accompany the documents

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 620 (AB 291) 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, 1986, unless a later enacted statute deletes or extends that date

This bill would delete the January 1, 1986, repeal of this provision

Ch. 621 (AB 276) Stirling Civil procedure

Under existing law, provisions applicable only to municipal and justice court proceedings state that answers need not be verified even if the complaint or cross-complaint is verified. Other existing statutory provisions governing civil actions generally provide that if a complaint is not verified a general denial is sufficient, but if the complaint is verified, the denial shall be made positively or according to the information and belief of the defendant

This bill would, with respect to economic litigation for municipal and justice courts, specify that if a complaint, verified or not verified, is filed in municipal court or justice court, a general denial is sufficient This bill would also provide, with respect to a verified complaint, that if the cause of action is a claim assigned to a third party for collection, the denial need not be made positively or according to the information and belief of the defendant

Existing law provides for a determination by a court, upon 20 days' notice, given as specified, of the good faith of a settlement between the plaintiff and one or more joint tortfeasors in a case involving alleged multiple tortfeasors

This bill would provide that the notice may be served by mail, and would extend the period of notice in such instances, as specified, according to the place of address to which the notice is sent

Ch. 622 (AB 311) McClintock State Fire Marshal licenses and insurance.

(1) Existing law specifies conditions for which the State Fire Marshal may revoke any license for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices in this state Existing law does not set forth conditions for which the State Fire Marshal may deny a license

This bill would permit the State Fire Marshal to deny any license, as described above, for the same reasons a license may be revoked

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(2) Existing law requires every licensee who fails to renew a license by the time it expires to surrender the license within 10 days after expiration. However, existing law also provides that any application by the licensee for the same type of license during the year next following the date of expiration be considered an application for renewal and specifies the penalty for renewal.

This bill would delete the provisions providing that an application for the same type of license during the following year be considered an application for renewal with the specified penalty

(3) Existing law requires a public display licensee, as defined, to furnish the State Fire Marshal with a policy of public liability and property damage insurance with prescribed limits.

This bill would delete the specific policy limits and, instead, require the State Fire Marshal to establish them, as specified.

It would prescribe that these particular changes become operative upon adoption of regulations by the State Fire Marshal establishing these policy limits.

Ch. 623 (AB 358) La Follette. Vehicles: crimes.

(1) Under existing law, it is a felony, punishable as prescribed, for any person, with intent to prejudice, damage, or defraud, to alter, forge, counterfeit, or falsify any certificate of ownership, registration card, certificate, license, special plate, or permit provided for by the Vehicle Code.

This bill would expressly include within these provisions any license plate and any sticker, tab, or other suitable device issued by the Department of Motor Vehicles in lieu of license plates.

(2) Under existing law, every person who, with intent to prejudice, damage, injure, or defraud, acquires, possesses, sells, or offers for sale any genuine or counterfeit manufacturer's serial or identification number is guilty of a felony, punishable as prescribed.

This bill would impose a state-mandated local program by making it a felony, punishable as prescribed, for any person, with intent to prejudice, damage, injure, or defraud, to acquire, possess, sell, or offer for sale any genuine or counterfeit serial or identification number issued by the Department of Motor Vehicles, the Department of the California Highway Patrol, or the vehicle registration and titling agency of any foreign jurisdiction.

The bill would delete specified other provisions making it a crime to acquire, possess, sell, or offer for sale a vehicle manufacturer's serial or identification number plate.

(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. 624 (AB 837) La Follette. Insurers: Requirements to convert.

Existing law authorizes 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, as specified.

This bill would additionally authorize a domestic incorporated mutual insurer, not covered by those aforementioned provisions of existing law, to be converted into an incorporated stock insurer, as specified.

Ch. 625 (AB 646) Costa. Trip permits: unregistered vehicles.

(1) Existing law requires the Department of Motor Vehicles, upon payment of a $25 fee, to issue a 5-day, one-trip permit that authorizes moving or operating, as part of one continuous trip, a laden, unregistered new trailer or semitrailer in this state from a place of manufacture to a place where it will be offered for sale.

This bill would expand the authority to include issuing those permits to authorize moving or operating both new or used laden trailers or semitrailers which are not currently registered in this state within, entering, or leaving this state as part of one

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continuous trip, except that the permits would not be extended to any manufacturer, carrier, or dealer located in a jurisdiction with which the state does not have vehicle license reciprocity.

The bill would impose a state-mandated local program by requiring, under criminal penalties for violations, that the permit be carried in an appropriate receptacle, as specified, and by requiring that the permit be available for inspection by a peace officer

The bill would also increase the fee for the permit to $35

The bill would also require specified information on the permit

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 626 (AB 616) McClintock Port districts in Ventura County.

Under existing law, port districts in Ventura County are governed by a board of port commissioners consisting of 5 members appointed by the mayor of the municipal corporation in the district, with the approval of the city council Commissioners are appointed for a 4-year term.

This bill would permit the city council, after a public hearing, to remove commissioners from office during their term for cause by a vote of not less than 5 members of the city council.

Ch 627 (AB 1063) Bader. Milk. *plan review fees testing, weighing, and sampling*

(1) Existing law requires the Director of Food and Agriculture to establish regulations and provide plans and specifications at cost for the construction of sanitary milk barns and milk houses, and prohibits the construction of new milk products plants or extensive repairs of existing milk products plants unless plans and specifications have been approved by the director

This bill would require the director to establish plan review fees for sanitary design and construction review activities relating to milk products plants and frozen milk product plants which do not exceed the costs of performance of those activities. The fees received under the bill would be paid into the Department of Food and Agriculture Fund

(2) Existing law on stabilization and marketing of market milk requires the director to supervise the testing of milk fat and milk solids not fat and the weighing and sampling of market milk delivered to handlers. The director is authorized to allocate funds from assessments on producer-handlers and fees on handlers not exceeding specified amounts for the testing, weighing, and sampling

The bill would repeal the above law regarding testing, weighing, and sampling and add milk testing, weighing, and sampling provisions to the Milk and Milk Products Law of 1947. The director would be authorized to fix assessments or fees on handlers, as specified, to carry out these provisions. The failure to pay these assessments or fees would be a misdemeanor, and thus the bill would impose a state-mandated local program

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 628 (AB 953) Elder Corrections.

Under existing law the Department of Corrections has jurisdiction over state prisons and correctional institutions

This bill would require the Department of Corrections, in consultation with the Waste Management Board, to study the feasibility of establishing a prison program for training and employing inmates in the salvaging and recycling of waste products, and to report to the Legislature by January 1, 1987.

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Ch. 629 (AB 310) McClintock Fireworks: seizure: disposal.

Existing law sets forth procedures for the disposal of fireworks seized under provisions of state law, but does not establish different procedures for the disposal of dangerous fireworks, as defined Existing law permits any person whose fireworks are so seized to petition the State Fire Marshal to return the fireworks, as specified. Existing law sets forth a time period within which the State Fire Marshal is required to respond to the petitioner in writing This determination of the State Fire Marshal is final under existing law unless within 60 days after seizure a specified court action is commenced.

This bill would provide that the determination of the State Fire Marshal is final in the case of the seizure of dangerous fireworks, unless within 20 days after the notice of the determination is mailed to the petitioner, a specified court action is commenced. It would revise the procedures for disposing of dangerous fireworks in a specified manner and would require before disposal that a random sampling be taken, as defined, and analyzed, photographs be taken, and the weight of the dangerous fireworks seized be specified

Ch 630 (AB 1465) Rogers. Controlled substances.

Existing law prohibits any person from knowingly filling a forged or altered prescription for a controlled substance

This bill would include a mutilated prescription in that prohibition.

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 631 (AB 1969) Elder Medi-Cal

Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons Under existing law, the State Department of Health Services has entered into a contract for the provision of fiscal intermediary services for the Medi-Cal program

This bill would require the Controller to review the procedures for the disbursement of Medi-Cal provider reimbursement payments and report the findings and recommendations to the Chairpersons of the Senate Committee on Health and Human Services and the Assembly Committee on Health by January 1, 1986

Ch 632 (AB 2063) Condit Building standards

Existing law requires any building standard adopted by state agencies to be submitted to and approved by the State Building Standards Commission prior to codification The building standards adopted by state agencies and submitted to the commission for approval are required to be accompanied by an analysis written by the adopting agency, which, to the satisfaction of the commission, justifies the approval of the standards in terms of specified criteria. One of these criteria is that the applicable national specifications, published standards, and model codes have been incorporated in the building standard, as specified

This bill would require if a national specification, published standard, or model code does not adequately address the goals of the state agency, that a statement defining the inadequacy accompany the proposed building standard when submitted to the commission, or if there is no national specification, published standard, or model code that is relevant to the proposed building standard, would require that the state agency prepare a statement informing the commission and submit that statement with the proposed building standard.

The bill would also require any state agency, as defined, adopting a model code to reference the most recent edition of the applicable model codes, as defined, and adopt the most recent edition of the model codes, as amended by the adopting agency, within one year after the date of publication of the model codes, as defined

Ch. 633 (AB 895) Hayden School testing: religious accommodation.

Existing law does not require that postsecondary educational institutions permit a student to undergo testing when that activity would not violate the student's religious creed

This bill would require the California Community Colleges, the California State Uni-

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versity, and private postsecondary educational institutions and admissions testing organizations, and request the University of California, to make that accommodation, as specified The bill would provide however, that this requirement shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship which could not have been reasonably avoided.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by requiring the California Community Colleges to revise testing procedure.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch. 634 (AB 1388) Lancaster. Banks: investment in own securities.

Existing law, with an exception for authorized redemption of shares, prohibits a bank from purchasing or investing in its own shares or loaning on the security of its own shares, unless necessary to prevent loss to the bank on debts previously contracted in good faith. A bank violating this prohibition is liable for a civil penalty of twice the market or book value of the shares, whichever is greater.

This bill would repeal these provisions and enact new provisions generally prohibiting a bank from acquiring, holding, extending credit on the security of, or extending credit for the purpose of acquiring or carrying, any security of the bank or a controlling person of the bank For this purpose the bill would define "controlling person," "carrying a security," and "security." A bank acquiring or holding securities in violation of the bill would be liable to the state for twice the market, book, or face value of the securities, whichever is greatest, and any bank extending credit in violation of the bill would be liable to the state for twice the amount of the credit extended

The bill would exempt transactions to reduce or prevent loss to the bank on debts previously contracted in good faith. The bill would also exempt any redemption of a bank's shares pursuant to specified statutes.

Ch. 635 (AB 1857) Elder. Ecological reserves

(1) Existing law authorizes the Department of Fish and Game, with the approval of the Fish and Game Commission, to obtain land and water to establish ecological reserves, and it may do all things necessary to obtain fee title to those reserves For the purposes of that law, "ecological reserve" refers to land or land and water areas preserved in a natural condition.

This bill would, additionally, authorize the department, with the approval of the commission, to obtain lesser interests in land, land and water, or land and water rights, as specified, for the purpose of establishing ecological reserves, which the bill would redefine to mean only those land or land and water areas so designated by the commission The commission would be authorized to adopt regulations governing that property

(2) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the department and the commission for specified purposes

Because this bill would make the money available for a new purpose, it would constitute an appropriation

Ch 636 (AB 805) Stirling Fiscal affairs.

Under existing law, the Department of Finance, with the concurrence of the Controller, and under certain conditions, one of which requires conformance to "Generally Accepted Accounting Principles," is permitted to establish additional funds necessary to properly manage and account for the financial activities and resources of the state.

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The Department of Finance is authorized to deviate from conformance to "Generally Accepted Accounting Principles" if conformance would not be in the best interests of the state

This bill would require the Department of Finance to notify the Controller of additional major deviations and the Controller to agree with the deviations prior to implementation

Ch. 637 (SB 890) Seymour. Criminal law: juvenile sex offenders.

Under existing law, a person who was a minor at the time of his or her violation of any law prohibiting criminal conduct may be adjudged to be a ward of the juvenile court

This bill would enact the Juvenile Sex Offender Treatment Act of 1985, which would require the Office of Criminal Justice Planning to select at least 3 counties from among those counties applying therefor in which to establish 4-year pilot programs to provide treatment, as specified, for juveniles adjudged to be wards of the juvenile court on the basis of the commission of certain sexual offenses and who were not committed to the Youth Authority

The bill would appropriate $500,000 from the General Fund to the Office of Criminal Justice Planning for the purposes of the act, as specified.

The provisions of the act would be repealed January 1, 1991

Ch 638 (SB 860) McCorquodale. County veterans' affairs commissions

Under existing law, state veterans' benefits are generally administered by the Department of Veterans Affairs Existing law provides that counties may appoint a county veteran service officer who assists veterans by investigating and reviewing claims, applications, and requests for aid.

This bill would permit any county to create a veterans' affairs commission as an independent agency or in conjunction with a California National Guard members' commission or a veterans' memorial commission

Ch. 639 (SB 690) McCorquodale. Community redevelopment

(1) Existing law requires redevelopment plans adopted on or after October 1, 1976, to contain a limitation on the amount of tax increment funds that may be divided and allocated to the agency under the plan, a time limit on the establishment of loans, advances, and indebtedness to finance the project, and a time limit for the commencement of eminent domain proceedings to acquire property within the project area.

This bill would impose a state-mandated local program by requiring every legislative body which has adopted a final redevelopment plan prior to October 1, 1976, that does not contain the above limitations to adopt an ordinance on or before December 31, 1986, which includes all of the above-described requirements

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any 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 bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Ch 640 (AB 1375) M Waters. Schools. location within the district

Existing law generally requires any regular day school to be maintained by the governing board of any school district within the boundaries of the district.

This bill would exempt from this requirement any regular day school maintained in an adjacent district under a contract with that district, as necessary to permit a more efficient use of school facilities in the area.

Existing law also provides an exemption from this boundary requirement whenever

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the governing board of a school district is unable to maintain the school or schools in the district due to a shortage of teachers or a lack of facilities, subject to the approval of the county superintendent of schools having jurisdiction

This bill would delete the requirement of approval by the county superintendent of schools.

Ch. 641 (AB 1033) Grisham. Claims against the Recovery Account in the Real Estate Fund.

Existing law provides that, when a claim against the Recovery Account in the Real Estate Fund is based on a judgment entered by default, stipulation, or consent, or whenever the underlying action was defended by a trustee in bankruptcy, the claimant has the burden of proving fraud, misrepresentation, deceit, or conversion of trust funds.

This bill would extend that requirement to judgments entered following a noncontested hearing. The bill would repeal the section amended by the bill to conform to changes made by SB 512 if the latter bill is enacted and becomes operative January 1, 1987.

Ch. 642 (AB 657) Johnston. Schools classroom teacher instructional improvement program.

(1) Existing law establishes the Classroom Teacher Instructional Improvement Program authorizing eligible teachers to receive an instructional improvement grant, either individually or as part of a group of eligible teachers, upon submission of a grant proposal to a grant committee established pursuant to specified provisions of current law. Existing law requires each grant recipient to be a permanent full-time teacher or mentor teacher whose primary duty is classroom instruction. Existing law specifies that grant recipients shall not include any teachers in adult education programs, child care and development programs, or regional occupational centers or programs

This bill would delete the requirement that grant recipients be permanent full-time teachers and, instead, would only require recipients to be full-time teachers or mentor teachers whose primary duty is classroom instruction.

This bill would delete the provisions prohibiting teachers in adult education programs, child care and development programs, or regional occupational centers or programs from qualifying as grant recipients.

(2) Existing law requires each school district applying for classroom teacher instructional improvement program funding to certify to the Superintendent of Public Instruction the total amount of instructional improvement grants awarded each fiscal year, and authorizes this certification to include a request for reimbursement for administrative costs, as prescribed.

This bill would require the governing board to annually certify to the Superintendent of Public Instruction the number of instructional improvement grants awarded and the aggregate amount of money awarded for the grants

(3) Existing law requires the Superintendent of Public Instruction to compute for purposes of the classroom teacher instructional improvement program each fiscal year for each school district an entitlement equal to 5% of the number of teachers in the district eligible for grants, as specified, multiplied by $2,000.

This bill instead would require the superintendent to compute an entitlement for each school district of 5% of the number of permanent, full-time teachers, exclusive of teachers in adult education, child care and development, and regional occupational centers and programs, multiplied by $2,000.

(4) This bill would specify that these provisions shall become operative on July 1, 1986.

Ch 643 (AB 131) Bronzan. Health.

Chapter 1509 of the Statutes of 1984 makes various changes in the law with respect to the negotiation of contracts with various types of health care plans in order to provide Medi-Cal services on a capitated rate basis. Under existing law, the State Department of Health Services and the California Medical Assistance Commission will be required to adopt emergency regulations necessary to implement Chapter 1509, which shall not be subject to review, approval, modification, or repeal by the Office of Administrative Law.

This bill would repeal the provision requiring the State Department of Health Services and the negotiator to adopt emergency regulations necessary to implement the act,

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as specified

This bill would take effect immediately as an urgency statute.

Ch 644 (AB 270) N Waters. Cattle protection expenses and fees.

(1) Existing law requires that cattle be inspected by the Bureau of Livestock Identification in the Department of Food and Agriculture prior to specified occurrences relating to the branding, movement, or transportation of the cattle

This bill would make any person who moves or transports any animal in violation of the above-stated provisions liable for a civil penalty in the amount of any expense and fee related to investigating, prosecuting, and returning the animals that were unlawfully transported. The bill would establish a procedure, including provisions for a hearing, for imposing the penalty

(2) Under existing law, all money deposited in the Department of Food and Agriculture Fund under designated provisions of law is continuously appropriated to the department to carry out the purposes for which the money was deposited, including provisions pertaining to cattle protection

This bill would increase the amount of money in the fund which is continuously appropriated for cattle protection purposes, and would thereby ~~constitute~~ [make]* an appropriation

Ch. 645 (AB 661) Lewis California water districts. refunding bonds.

Under existing law, special provisions authorize the Irvine Ranch Water District and the Moulton-Niguel Water District to refund bonds in accordance with prescribed procedures and subject to specified conditions. Refunding bonds may also be so issued by the Irvine Ranch Water District and the Santa Margarita Water District in accordance with special procedures for the issuance of bonds for 2 or more improvement districts as consolidated bonds of the district Refunding bonds may not be so issued unless the total interest cost to maturity of the refunding bonds added to the principal amount of those refunding bonds will be less than the total interest cost to maturity of the bonds being refunded added to the principal amount of the bonds being refunded Existing law requires the savings achieved through the refunding bonds to be used solely to reduce specified assessments or charges, and permits the refunding bonds to be sold at private sale

This bill would prescribe special standards for making the interest rate determination if the refunding bonds or the bonds being refunded bear interest at a variable rate. The bill would require the reductions to reflect the savings in any fiscal year to be made not later than the next succeeding fiscal year. The bill would regulate certain activities of bond counsel, or investment firms and others having a financial advisory relationship with the district, in connection with the issuance of the bonds, as defined The bill would include the Santa Margarita Water District within the refunding bond provisions applicable to the Irvine Ranch and Moulton-Niguel Water Districts

The bill would also generally authorize the Irvine Ranch Water District and the Santa Margarita Water District to so refund bonds by purchasing the bonds to be refunded with proceeds of the refunding bonds and would make related changes

The bill would take effect immediately as an urgency statute.

Ch 646 (AB 231) La Follette. Highways: hazardous material· hazardous waste.

(1) Under existing law, any person convicted of specified littering violations on highways is required to be punished by a mandatory fine of not less than $20 and not more than $1,000 upon a first conviction, by a mandatory fine of not less than $50 and not more than $1,000 upon a second conviction, and by a mandatory fine of not less than $100 and not more than $1,000 upon a third or subsequent conviction

This bill would require any person who dumps, spills, or releases hazardous material or hazardous waste upon a highway to notify the Department of the California Highway Patrol or the agency with traffic jurisdiction of the dump, spill, or release, as soon as the person has knowledge and notification is possible. The bill would impose a state-mandated local program by creating a new crime and would require any person convicted of a violation of this provision to be punished by a mandatory fine of not less than $2,000

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish

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procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 647 (AB 1191) Ferguson Santa Ana Mountains County Water District.

Under the County Water District Law, county water districts are authorized to fix, levy, and collect a sewage and waste service standby or availability charge, not to exceed $10 per acre per year or $10 per year for each parcel of land less than an acre, in accordance with prescribed procedures.

This bill would authorize the Santa Ana Mountains County Water District to fix within Community Facilities District No 2 of the district, sewage and waste service standby or availability assessments of not more than $250 per year for each acre or portion thereof to which sewage and waste service is immediately available, and would prescribe related matters The bill would prohibit imposition of the assessment on any subdivided parcel upon which there exists a residential unit which has been connected to domestic sewer facilities of the district

The bill would make legislative findings and declarations as to the need for a special law.

The bill would take effect immediately as an urgency statute

Ch 648 (AB 1333) Harris Bilingual education teacher education programs.

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, to recommend to the commission the issuance of credentials to persons who have successfully completed those programs

This bill would require the commission to authorize private postsecondary educational institutions that meet prescribed minimum requirements to offer bilingual education training programs to persons holding a baccalaureate degree and a valid teaching credential, to enable those persons to pursue a bilingual-crosscultural certificate of competence or a bilingual-crosscultural specialist credential, as prescribed

Ch 649 (AB 981) O'Connell. School finance

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, including a prescribed inflation adjustment

This bill would make those provisions inoperative on July 1, 1986, and would repeal them as of January 1, 1987 The bill would prescribe a new formula for the computation of the inflation adjustment for the 1986–87 fiscal year and each fiscal year thereafter, which would become operative July 1, 1986.

This bill would state the legislative intent to make changes in state apportionments to school districts in the 1985–86 fiscal year and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year

Ch 650 (AB 1318) Bradley Property taxes: exempt property.

Under existing law, whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons, or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property is required to be assessed and taxed in the same manner as privately owned property, and the lease or contract is to provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely the assessed value of its leasehold interest.

This bill would impose a state-mandated local program by requiring every redevelopment agency to provide notice to the local assessor within 30 days whenever the agency leases real property in a redevelopment project to any person or persons for redevelopment. It would require the notice to provide the date on which the lessee acquires the beneficial use of the leased property and would require that the notice be accompanied by a memorandum of lease and a map of the leased property

Existing law provides a procedure for the cancellation and apportionment of ad valorem taxes on property acquired by a public entity.

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This bill would impose a state-mandated local program by requiring every public entity to provide the local assessor and auditor a copy of the instrument evidencing the acquisition of property by the entity, to indicate on the instrument the date of apportionment, and to provide other specified information It also would require the auditor to cancel taxes on the date of apportionment set forth in the notice referred to in the preceding sentence.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Ch. 651 (AB 413) Moore. Carriers: payments to subhaulers.

Under existing law, highway carriers, highway common carriers, and cement carriers who engage subhaulers or lease equipment from employees are required to file with the Public Utilities Commission a bond, as determined by the commission, but not less than $2,000, to secure the payment of the claims of subhaulers and employee-lessors of the highway carrier.

This bill would authorize the commission, after a hearing, to prohibit any highway carrier, highway common carrier, or cement carrier that is consistently or regularly delinquent in making payments to subhaulers within the period prescribed by the commission from engaging subhaulers for a period not to exceed 60 days.

Ch. 652 (AB 1058) Lancaster. Medical provider consultants.

Existing law provides for state licensing as medical provider consultants of persons who perform various services relative to the collection of accounts of providers of medical services. Under existing law, there are prescribed things that a medical provider consultant may not do including collect for deposit any money held in trust for the provider.

This bill would provide a specified exception to this prohibition for medical provider consultants who have performed this service for 20 years

Ch. 653 (AB 921) Costa. Water quality.

(1) Existing law requires any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the state to file a report with the regional water quality control board, containing the information required by the regional board. A person is also required to file a report of any proposed changes in the waste.

This bill would require the State Water Resources Control Board to adopt regulations setting forth reasonable time limits within which the regional board ~~must~~ [would be required to]* determine the adequacy of the waste discharge report and would make other changes.

(2) Existing law requires supervisors and operators of private utility waste water treatment plants and municipal waste water treatment plants to possess a certificate of competency issued by the state board.

This bill would make a technical change in that law.

Ch. 654 (AB 305) Hannigan. Cal-Vet: disabled purchasers.

Existing law provides for farm and home purchase benefits under the Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program and administered by the Department of Veterans Affairs. Existing law does not specifically provide for adaptation of a home to accommodate the requirements of a disabled person.

This bill would permit the department to expend, in addition to the Cal-Vet contract amount, not more than $5,000 for structural modifications to a home when a present or former Cal-Vet veteran purchaser or a member of the veteran purchaser's immediate family residing in the home either is or has become so severely disabled that these

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modifications are reasonably required, as determined by the department. The bill would provide for amortization of this amount over 10 years or the remaining term of the contract, whichever is longer, at the rate applicable to Cal-Vet purchase contracts

The department would be authorized to expend not more than $5,000,000 for this purpose

The provisions of the bill would be repealed on January 1, 1989.

Ch. 655 (AB 389) Elder Public pension and retirement systems annual reports to members

Existing law generally addresses each category of public pension or retirement system through a separate statute and does not, in a single statute of general application, require all such systems to provide annual reports to members upon request

This bill would, in a single statute of general application, require each state and local public pension or retirement system to mail or otherwise provide any member, upon request and payment, if required, of a fee, a concise annual report on the investments and earnings of the system and other related matters, published in a low-cost format, and would authorize each local public pension or retirement system to impose therefor a fee in an amount sufficient to pay all its related costs The related costs hereby imposed on local governmental entities would constitute state-reimbursable state-mandated local program costs

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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, as of January 1, 1992, the provisions contained in the bill for which state reimbursement is required

Ch 656 (AB 1054) Bane Banks and savings and loan associations fraud

(1) Existing statutes require savings and loan associations to set up and maintain certain reserves and allow those associations to set up and maintain certain other reserves

This bill would authorize savings and loan associations, including federal associations, to establish a separate loan reserve account regarding losses resulting from fraud by a borrower.

(2) Existing law limits the form of action for the recovery of any debt or the enforcement of any right secured by mortgage upon real property. In those actions, the court may direct the sale of the real property, however, the amount of the judgment against a defendant may not exceed the difference between the amount for which the property was sold and the entire amount of indebtedness secured by the mortgage or deed of trust

This bill would provide an exception to the above by allowing a state or nationally chartered bank or savings and loan association, including a federal association, that originates a loan, or any successor in interest, to maintain an action for damages, including exemplary damages not to exceed 50% of the actual damages, where the action is based on fraud However, this exception would not apply to certain loans secured by single-family, owner-occupied residential property

Ch 657 (AB 1044) Jones Occupational safety and health. hearings

Existing law requires the Occupational Safety and Health Standards Board to publish specified public notices of board meetings and board hearings in newspapers of general circulation in specified areas

This bill would repeal these provisions.

Ch. 658 (AB 1043) Jones Labor Code appeal hearings

Existing provisions of the Labor Code authorize the issuance of citations and civil penalties to persons not holding valid state contractor's licenses who employ workers to

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perform services for which a license is required and to persons who employ minors in violation of statutory provisions and rules and regulations.

Existing law also provides, among other things, that a person may contest a citation or the proposed assessment of a civil penalty, as specified

This bill would provide that if a person who receives a citation for not holding a valid state contractor's license and for employing minors desires to contest the citation, then the procedure set forth for the contractor's license issue shall be followed instead of the procedure for the employment of minors issue.

The bill also would make technical, nonsubstantive changes

Ch 659 (SB 1245) Mello Courts.

(1) Existing law provides for 7 judges of the Monterey County Municipal Court District, however, upon a specified consolidation of judicial districts, there shall be 9 judges That consolidation has occurred, raising the number of judges of the Monterey County Municipal Court District from 7 to 9

This bill would amend those provisions to reflect that consolidation.

(2) Existing law provides for the number, classification, compensation, and duties of the personnel of the Monterey County Municipal Court District

This bill would revise the number, classification, compensation, and duties of the personnel of the Monterey County Municipal Court District, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 660 (SB 1219) Keene Home solicitation contracts.

Existing law provides, for purposes of the regulation of home solicitation contracts, that "services" excludes the services of attorneys, real estate brokers and salesmen, and securities dealers or investment counselors

This bill would additionally exclude the financial services of banks, savings institutions, credit unions, industrial loan companies, personal property brokers, consumer finance companies, or commercial finance lenders, organized pursuant to state or federal law, which are not connected with the sale of goods or services, as defined.

Ch 661 (SB 1002) Dills Public Employment Relations Board report to the Legislature

Existing law requires the Public Employment Relations Board to report to the Legislature by February 15 of each year on its activities during the immediately preceding calendar year

This bill would instead require the board to report to the Legislature by October 15 of each year on its activities during the immediately preceding fiscal year

This bill would also make various technical nonsubstantive changes

Ch 662 (AB 1162) Jones. Farm labor contractors· commercial packing houses.

Existing law provides for the regulation and licensing of farm labor contractors, as defined, by the Labor Commissioner

This bill would provide that a commercial packing house engaged in both the harvesting and the packing of citrus fruit or soft fruit for a client or customer is not a farm labor contractor.

Ch 663 (SB 998) Robbins. Damages: rate of interest on contracts.

Existing law provides that any legal rate of interest stipulated by a contract remains chargeable after a breach thereof, as before, until the contract is superseded by a verdict or other new obligation.

This bill would provide that if a contract entered into after January 1, 1986, does not specify a legal rate of interest chargeable after a breach, the obligation shall bear interest at 10% per annum

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Ch 664 (SB 957) Russell. Hazardous substances.

(1) Under existing provisions of the Carpenter-Presley-Tanner Hazardous Substance Account Act, the State Department of Health Services is required to recover any costs incurred and payable from the Hazardous Substance Account in the General Fund and the state account is required to be a party in any action for recovery

This bill would also require the Hazardous Substance Cleanup Fund to be a party in any action for recovery of costs incurred from that fund. The bill would require the Attorney General, for the purpose of recovering moneys expended from the state account, to represent the state account in any action brought by a district attorney or city attorney when the state account is a party, except that this authority could be delegated to a district attorney or city attorney who has brought an action

(2) Under the act, the Attorney General is required, upon request of the State Board of Control, to bring a subrogation action to recover amounts paid as compensation from the Hazardous Substance Account in the General Fund

This bill would require these actions to be brought in the name of the people

Ch 665 (AB 1164) Margolin. Medi-Cal. hospital reimbursement

Existing law provides that the California Medical Assistance Commission shall negotiate contracts, which shall be binding upon the State Department of Health Services, for the provision of inpatient hospital services under the Medi-Cal program

Existing law further provides that the commission shall consider various factors in negotiating these contracts.

This bill would, in addition, require the commission to take into consideration, when negotiating these contracts, the special circumstances of hospitals serving a disproportionate number of Medi-Cal beneficiaries, and patients who are not covered by third party payers

This bill expresses the legislative intent that its provisions shall be funded by the Budget Act of 1985.

Ch 666 (AB 714) Johnson. Workers' compensation uninsured employers.

Existing law permits the Director of Industrial Relations to recover amounts paid from the Uninsured Employers Fund for workers' compensation awards from any person or entity whose tortious conduct has caused the employee's injury

This bill would provide that the director's claim shall be reduced by the director's share of litigation expenses, which shall equal the total litigation expenses multiplied by the ratio of the total judgment or award to that portion claimed by the director, and by 25% of the attorney's fees

Existing law provides that, in an action by the director, the damages recoverable by the director shall not be reduced by any percentage of fault or negligence attributable to the employer.

The bill would also provide that damages shall not be reduced by any percentage of fault or negligence attributable to the employee

The bill would also provide that the director shall have a lien against an employee, his or her guardian, conservator, personal representative, estate, survivors, or heirs, for any damages recovered against a third party for that party's tortious conduct, if the employee has received an award from the Uninsured Employers Fund, up to the amount of the award

The bill would provide that its lien provisions would apply to all claims of the director and all claims of the employee, guardian, conservator, personal representative, estate, survivors, or heirs not yet reduced to final judgment as of January 1, 1986

Ch 667 (AB 377) Leonard Juveniles.

Existing law authorizes the juvenile court to make various orders concerning a minor adjudged a ward of the court on the basis of various forms of noncriminal conduct, including habitual truancy (such a minor is a so-called "status offender"). Such a minor may not be referred to the juvenile court before compliance with specified procedures before either a school attendance review board or a truancy mediation program, or both, if both have been established in the county A petition may not be filed in juvenile court unless a determination has been made that available community resources will not resolve the minor's problem or that the minor has failed to respond to services provided

This bill would specify that a juvenile court may order a person adjudged a ward of the court on the basis of habitual truancy to participate in a specified community service

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or educational program sponsored by either a public or private agency. It also would authorize the court to order the probation officer to pick up and deliver the minor to any such program, thus creating a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch. 668 (AB 573) Klehs Domestic disturbance.

Existing law requires law enforcement agencies, by January 1, 1986, to develop, adopt, and implement written policies and standards, as specified, for officers' response to domestic violence calls

This bill would impose a state-mandated local program by adding to the list of policies and standards to be adopted by law enforcement agencies, provisions requiring the furnishing of written notice to victims of domestic violence, providing each victim with a statement indicating a phone number to call to find a shelter or other community services, and a statement containing information on civil and criminal complaints and court orders for relief.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

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

Ch. 669 (SB 829) Ellis. State highways. freeway agreements.

Existing law authorizes the Department of Transportation to enter into agreements with counties and cities to permanently close county highways or city streets when it constructs a freeway, except that the department is authorized to construct a freeway on the route determined by the California Transportation Commission without a freeway agreement if specified conditions have been met The department is required to meet and confer with affected counties and cities if it constructs a freeway on a route under the specified conditions.

This bill would also authorize the department to construct a freeway in the County of San Diego without a freeway agreement on a route determined by the commission under a different set of conditions The department would be required to meet and confer with affected counties and cities if it constructs a freeway on a route under the new conditions

Ch. 670 (SB 1349) L. Greene. Surveying.

Existing law provides that a person practices land surveying who, either in a public or private capacity, does or offers to do any one or more of several specified acts, including making any survey for the subdivision or resubdivision of any tract of land.

This bill would include any person employed by the state or by a city, county, or city and county within the state within the description of those who practice land surveying The bill would also specify that the terms "subdivision" and "resubdivision" shall be defined to include, but not limited to, the definition in the Subdivision Map Act or the Subdivided Lands Law.

Existing law makes it a misdemeanor for a person to practice land surveying unless that person is licensed or exempted from licensure. Existing law exempts from licensure as a land surveyor officers and employees of the United States who only engage in land

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surveying as officers and employees of the United States.

This bill would require those officers and employees of the United States to be licensed as land surveyors when they survey the exterior boundaries of federal lands in this state. This bill, by increasing the number of persons subject to licensure as land surveyors, would expand the scope of an existing crime and would result in the mandate of a new program or higher level of service upon local government.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 671 (AB 2492) Costa. Developments and development projects.

The existing Subdivision Map Act makes any requirement for the dedication of land under the act subject to judicial review pursuant to a petition for writ of mandate if the petitioner protested the dedication requirement in administrative proceedings. Existing law authorizes the court, upon determining the dedication requirement to be invalid, to order the city, county, or city and county, to elect to either (1) require amendment of the tentative map or redesign of the subdivision, (2) pay just compensation for that portion of the dedication deemed to be excessive, or (3) delete or modify the dedication found to be excessive.

Existing law also permits any party to protest the establishment of the imposition of any fees, taxes, assessments, dedications, reservations, or other exactions on residential housing developments by local governmental entities within 90 days after the date of their imposition in accordance with a specified procedure, permits any party who so protests to file an action to attack, review, set aside, void, or annul those impositions; and specifies the effect of the filing of that protest or action upon conditional approvals of residential housing developments.

This bill would, with regard to the latter protest procedure, provide that the protest shall, alternatively, be filed at the time of approval or conditional approval of the development and would prohibit a party from protesting the imposition of specified ad valorem property taxes The bill would also specify when the approval or conditional approval of the development occurs, and when the establishment of the imposition occurs.

This bill would permit a party to utilize both of the above-described procedures to protest the establishment or imposition of any fees, taxes, assessments, dedications, reservations, or other exactions on specified developments or development projects, as defined.

Ch. 672 (AB 2513) N Waters. Peace officers. standards and training

Existing law requires the Commission on Peace Officer Standards and Training to prepare guidelines establishing standard procedures for the detection, investigation, and response to child abuse and child neglect cases.

This bill would require these guidelines to include procedures for minimizing the number of times a child is interviewed by law enforcement personnel

Ch. 673 (AB 2371) Hauser. School facilities: Field Act: exemptions.

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

This bill would permit the Bridgeville School District to use a specified structure for classroom purposes until January 1, 1990, and would exempt the structure from the provisions of the Field Act for the duration of this use.

This bill would also extend this exemption to the Modoc Joint Unified School District for the continued use of a specifed building until June 30, 1988, or the completion of a replacement facility, whichever occurs first, for continuation high school purposes.

This bill would take effect immediately as an urgency statute.

Ch. 674 (AB 1193) Ferguson. Employee housing: permanent housing.

(1) Under existing law, known as the Employee Housing Act, every person who operates a labor camp, as defined, is required to obtain a permit to operate the camp

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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. Existing law requires labor camps to meet prescribed standards. For purposes of these provisions, existing law defines the term "permanent housing," but this definition does not expressly refer to mobilehomes, manufactured homes, or factory-built housing Existing law prescribes different requirements in varying instances for permanent housing under this act Violation of these provisions constitutes a misdemeanor

This bill would define "permanent housing" to include mobilehomes, manufactured homes, and factory-built housing, as defined It would make conforming changes. This bill would impose a state-mandated local program by defining a new crime.

It would make certain clarifying changes in the definition of permanent housing which would become operative only if SB 696 becomes operative and effective, as specified

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 675 (AB 1195) Ferguson. Department of Housing and Community Development· California Statewide Housing Plan

(1) Existing law requires the work of the Department of Housing and Community Development to be divided into 3 divisions, including the Division of Research and Policy Development

This bill would rename that division the Division of Housing Policy Development.

(2) Existing law requires the department to continually evaluate the impact upon the state of federal policies and programs That evaluation is required to include an assessment of the coordination between federal housing assistance and public transit service availability

This bill would delete the requirement that the evaluation include that assessment.

(3) Existing law requires the department to submit, annually, to the Legislature and the Governor, recommendations for changes in state and federal law relating to housing, a report containing revisions of the California Statewide Housing Plan, and a report on the progress of the department toward accomplishing the goals and objectives of the statewide housing plan.

This bill would delete those requirements

(4) Existing law requires the department to complete a California Statewide Housing Plan Existing law requires the former Commission of Housing and Community Development, whose existence was terminated effective January 1, 1982, to refer that plan to the Legislature on or before February 1, 1977

This bill would delete the reference in existing law to the former Commission of Housing and Community Development, would revise and recast the provisions requiring the department to develop and biennially update that plan, and would revise the type of information required to be included in that plan.

(5) Existing law expressly provides that the Legislature may review, revise, and adopt the biennial updates to the California Statewide Housing Plan

This bill would, instead, provide that the Legislature may review the plan and transmit comments to specified state officials

(6) Existing law requires the department to adopt guidelines for the preparation of the housing element of the general plan required to be prepared by each county and city and permits the department to review those housing elements for conformity with a specified statute and the guidelines.

This bill would permit, instead of require, the department to adopt those guidelines and would require, instead of permit, the department to review those housing elements.

Ch. 676 (AB 1201) Katz. Off-highway motor vehicles: combined highway use.

(1) Existing law prohibits operation of any motor vehicle, except as specified, upon the highways unless it is registered with the Department of Motor Vehicles. Existing law permits, as an exception, the operation of off-highway motor vehicles, as defined, across

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highways under specified conditions if those vehicles are issued an identification plate or device by the department, as specified.

This bill would authorize a local authority, as defined, or the Director of Parks and Recreation, to designate highways or portions thereof, except freeways, under the jurisdiction of the local authority or the director, not exceeding 3 miles in length, as combined-use highways, and would authorize operation of identified off-highway motor vehicles on those designated highways or portions thereof in conformance with specified rules and regulations and requirements.

The bill would make the designation effective upon erection of specified signs and would require payment for the signs from the Off-Highway Vehicle Fund, when appropriated, or from local assistance grants, as specified. The bill would require the local authority or the Director of Parks and Recreation to prescribe the rules and regulations for the use of, and operation of vehicles on, those highways or portions thereof, including specified requirements Other provisions of existing law would make a violation of any of those rules and regulations an infraction, thereby imposing a state-mandated local program

The bill would authorize the Off-Highway Motor Vehicle Recreation Commission to propose highway segments for designation by local authorities or the Director of Parks and Recreation and would require them to notify the Commissioner of the California Highway Patrol before designating a highway of the segment of highway proposed for designation and would prohibit the designation of a segment which the commissioner determines would create a potential traffic safety hazard.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 677 (AB 1202) Bronzan. Slot machines

Under existing law, it is a defense to any prosecution involving the possession, sale, transportation, or manufacturing of gaming devices if the defendant shows that the device is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. A slot machine, under existing law, is conclusively presumed to be an antique slot machine if it was manufactured prior to 1941. In Bale vs. San Jose Police Department, 158 Cal. App 3d 168, the court of appeal construed this presumption very broadly in favor of persons possessing slot machines.

This bill would delete the above conclusive presumption. Instead, it would narrowly define an antique slot machine as a slot machine manufactured in the United States of which two-thirds or more, by count, of the visible exterior metal components (excluding fasteners) are original equipment manufactured prior to 1956. If the machine has a front or top casting, or both, the front casting or the top casting must have been manufactured prior to 1956

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

The bill would impose a state-mandated local program by expanding the scope of an existing crime.

This bill would provide that no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute.

Ch. 678 (AB 2406) Filante Public contracts. bonds.

Under existing provisions of the Civil Code, a contractor to whom a public entity has awarded a public works contract in excess of $25,000 is required to file a payment bond with the public entity before beginning the work.

In addition, provisions of the State Contract Act within the Public Contract Code governing projects, as defined, in excess of $25,000 require every contract to provide for the filing of separate performance and payment bonds by the contractor in the form specified and not for deposits in lieu of bond

This bill also would provide in the general provisions of the Public Contract Code that

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every contractor to whom a state entity, as defined, has been awarded a public works contract in excess of $5,000 is required to file a payment bond with the state entity before beginning the work

Ch. 679 (AB 2468) Mojonnier. Reflectorized safety plates.

Existing law authorizes the Department of Motor Vehicles to offer, as a voluntary program, the issuing of reflectorized license plates for a fee determined by the department.

This bill would, instead, require all license plates or devices issued for a vehicle to be partially or fully reflectorized. The bill would set the fee for reflectorization at $1, payable in addition to other fees, as specified, by owners receiving those license plates or devices, as specified

The bill would provide that it does not require owners with nonreflectorized license plates or devices to replace them

The above provisions of the bill would become operative on January 1, 1987.

The bill would also require the department to submit a report, as specified, to the Legislature on or before July 1, 1987

Ch. 680 (AB 2555) Frizzelle. School and community college districts: personal property.

Existing law contains provisions generally governing the acquisition and disposition of personal property by the governing boards of school districts. Parallel provisions govern the acquisition and disposition of personal property by the governing boards of community college districts

Under existing law, the governing board of a school district may sell surplus personal property upon compliance with specified notice requirements

This bill would authorize the board to conduct any such sale by public auction.

Existing law authorizes the property to be sold at private sale without advertising by a member or employee of the board, if the board finds that the property does not exceed $500 in value.

This bill would, instead, authorize the property to be sold at private sale without advertising by an employee of the district if the board finds that the property does not exceed $2,500 in value. Private sale would also be permitted for surplus personal property previously offered for public sale, but for which no qualified bid was received.

Existing law permits the board to authorize any public corporation or agency within the county whose superintendent of schools has jurisdiction over that school district to procure personal property for the district, as specified. On receipt of the property, the district is required to draw a warrant in favor of the public corporation or agency for the amount of the invoice.

This bill would delete the requirement that the public corporation or agency be within the county, as specified, and authorize, rather than require, the school district to draw a warrant for the amount of the invoice

Existing law authorizes the board to delegate to a designated officer or employee of the district the authority to purchase personal property for any expenditure not exceeding $10,000.

This bill would set this expenditure limit instead at $21,000.

This bill would also apply these revisions to the provisions of law governing the acquisition and disposition of personal property by the governing boards of community college districts.

Ch. 681 (AB 2250) Costa. State Air Resources Board: members: expenses

Under existing law, the State Air Resources Board is composed of 7 members. Of these 7, 3 members are board members of air pollution control and air quality management districts, with 2 from the South Coast Air Quality Management District, the Bay Area Air Quality Management District, and the San Diego Air Pollution Control District on a rotational basis, and one from one of the other districts. Existing law requires that each of these 3 members receive a per diem and expenses for attending meetings of the state board or its committees as specified by statute, and requires that these reimbursements be made by the district from which the member is appointed.

This bill would require the state board to pay the expenses and per diem of the

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member from one of the other districts

The bill would appropriate $6,000 from the Motor Vehicle Account in the State Transportation Fund to the state board for these purposes during the 1985–86 fiscal year

Ch. 682 (AB 2254) M Waters Medi-Cal prior authorization requests.

Existing law provides that the State Director of Health Services may, under specified circumstances, require approval by a Medi-Cal consultant of a prior authorization request as a condition for receiving reimbursement for services provided to Medi-Cal recipients.

This bill would require that the consultants render decisions in a timely manner, as specified It would require that final decisions of the State Department of Health Services on all requests for prior authorization are reviewable under the department's provider appeal and fair hearing procedures.

The bill would provide that its provisions shall not become operative unless and until the State Director of Health Services receives a determination from the Secretary of the United States Department of Health and Human Services that its provisions will not result in a denial of federal financial participation The State Director of Health Services would be required, upon the effective date of the bill, to request this determination

Ch. 683 (AB 2330) Stirling. State highways

(1) Under existing law, the Department of Transportation is required to improve and maintain state highways

This bill would authorize the department to enter into agreements to accept funds or services from any person for maintenance of a section of a state highway at a specified level.

(2) Existing law requires the department to place and maintain a city limit sign with specified information on any state highway which intersects an incorporated city or an unincorporated town.

This bill would authorize the department to place the state's 9-1-1 emergency telephone number on road signs on all state highways at state entry points and county, city, and town limit entry points The emergency telephone number would be added only when the signs are changed for other purposes.

Ch 684 (AB 2395) Filante Medical assistance

Under existing law, the State Department of Health Services is required to publicize and continue to develop criteria for deciding whether or not to grant prior authorization requests for major categories of treatment under the Medi-Cal program, and to provide for a review of determinations made by the department.

This bill would provide that these provisions and any amendments made to Section 14103 6 of the Welfare and Institutions Code by AB 2254 shall not apply to treatment or services provided under contracts awarded by the department under which the contractor agrees to assume the risk of utilization or costs of services.

Ch. 685 (AB 2420) Eaves Transportation development San Bernardino County

Under the Mills-Alquist-Deddeh Act, all transit operators and city or county governments with responsibility for providing municipal services to a given area collectively, may file claims with the local transportation planning agency for only those funds that represent that area's apportionment, as defined, ~~of Transit Development Act funds~~ [in the local transportation fund]*

This bill would define "area," for the purpose of San Bernardino County, as being the area within the jurisdiction of the transit operator established by the joint exercise of powers of one or more cities, including the most populous city, and the county

Ch. 686 (AB 2426) Johnston. Dilute fertilizer solution

Existing law requires the Director of Food and Agriculture to adopt and enforce regulations relating to the manufacture, labeling, and distribution of commercial fertilizers, agricultural minerals, soil amendments, and auxiliary soil and plant substances, as defined Each manufacturer of these materials is required to pay an assessment to the director for all sales of these products, as specified.

This bill would include captured dilute solutions, as specified, among the materials that may be registered as agricultural minerals and thus included as fertilizing materials

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regulated by the director. The assessments levied on the sale of these materials would be deposited in the Department of Food and Agriculture Fund which is continuously appropriated to the Department of Food and Agriculture for this purpose, thereby making an appropriation

Ch 687 (AB 2435) Agnos Child care and development.

Under current law, the provisions of the Child Care and Development Services Act which establish an administrative appeal procedure for the resolution of disputes between the State Department of Education and local agencies which contract with the department to provide child care and development services or related supplies and services are scheduled to be inoperative on June 30, 1986, and repealed on January 1, 1987.

The bill would delete the provision for inoperation and repeal.

This bill also would require the Superintendent of Public Instruction to establish a contract classification system for purposes of identifying, monitoring, and providing technical assistance to contractors, and would provide for suspension or termination of the contract for specified causes.

Ch 688 (AB 2488) Costa. Subdivisions: tentative maps expiration.

Existing law specifies a period of time following the approval or conditional approval of a tentative subdivision map after which the tentative map expires Under existing law the expiration is extended by the length of time during which a development moratorium is in existence

(1) This bill would provide that a building moratorium is deemed to exist for any period of time during which a condition imposed by a city or county on its approval of a tentative map could not be satisfied because the condition was one which necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map

The bill would impose a state-mandated local program by extending, in some cases, the time during which a city or county must fulfill prescribed functions relating to the development of proposed subdivisions.

(2) This bill would incorporate additional changes in Section 66452.6 of the Government Code, proposed by AB 1624, to be operative only if AB 1624 and this bill are both chaptered and become effective January 1, 1986, and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 689 (AB 194) Condit State university contracts.

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."

Ch 690 (SB 512) Beverly Real Estate Recovery Program.

Existing law provides for the Real Estate Recovery Program which provides that any person who has obtained a final judgment against another person who is licensed by the Department of Real Estate, which arose out of a transaction, as specified, may apply in the manner specified for payment of actual and direct loss of the amount unpaid on the judgment Existing law also specifies the method for service of process on licensee judgment debtors and the Real Estate Commissioner for those claims which the person

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is unable to satisfy against the licensee.

This bill would revise the recovery program by (1) revising the application process to the department for recovery; (2) placing additional duties upon the applicant and the commissioner, as specified; and, (3) requiring the department to prescribe the form, as specified, on which the application by the claimant shall be made

This bill would also provide that existing law shall prevail for applications filed before the operative date of the bill with regard to any inconsistencies between existing law and the provisions of the bill.

The provisions of the bill would become operative on January 1, 1987.

Ch 691 (AB 1405) Statham. Highway: liability: depositing materials.

Existing law imposes liability upon any person who willfully or negligently damages any street, highway, or appurtenances, for the costs of repair or replacement. The Department of Transportation and local authorities, with respect to highways under their respective jurisdiction, are authorized to bring an action for these costs.

This bill would specify that this liability is for the reasonable costs of repair or replacement and would additionally make liable any person who willfully or negligently deposits the contents of any vehicle upon a street or highway, or its appurtenances, for the reasonable costs of removing those contents. The bill would additionally authorize the department and local authorities to bring an action with respect to services rendered by them on a highway outside ~~its~~ [their]* jurisdiction, upon the request of the department or the local authority which has jurisdiction over that highway, and would also make conforming changes

Ch. 692 (SB 1165) Marks. California Environmental Protection Program.

Existing law specifies that, after certain transfers have been made, the balance of moneys in the California Environmental License Plate Fund are available for appropriation for the purposes and uses of the California Environmental Protection Program Among these purposes are the purchase of park property and coastal accessways, environmental education, the protection of wildlife habitat, and the enhancement of renewable and nonrenewable resources

This bill would declare that the balance of the moneys in the fund is held in trust only for the purposes of the program and would make legislative findings and declarations in that regard The bill would also revise the purposes of the program to include the purchase of real property consisting of sensitive natural areas for the state park system and for local and regional parks, rather than the purchase of real property for park purposes; the protection, enhancement, and restoration of fish and wildlife habitat and related water quality, rather than the protection of wildlife habitat, and the reduction or minimization of the effects of soil erosion and the discharge of sediment into waters of the Lake Tahoe region, as specified. The bill would further revise those purposes by deleting the purchase of coastal accessways and the enhancement of renewable and nonrenewable resources.

The bill would authorize the State Department of Education to administer moneys appropriated pursuant to the program for environmental education, but would require the state department to distribute not less than 90% of the moneys to fund the programs of school districts, other local schools, state agencies other than the state department, and community organizations

The bill would delete obsolete provisions and make nonsubstantive conforming changes.

The bill would become operative on July 1, 1986

Ch. 693 (SB 458) Maddy Medi-Cal drug formulary

Existing law provides that prescribed drugs used under the Medi-Cal program shall be limited to those placed upon the Medi-Cal drug formulary by the State Director of Health Services.

Existing law further provides that the Medical Therapeutics and Drug Advisory Committee shall meet at least semiannually to review placement of drugs on the Medi-Cal drug formulary, with review being required by the committee prior to its addition to the formulary only under certain circumstances

This bill would require the State Department of Health Services to schedule and

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conduct a public regulatory hearing, as specified, 5 working days subsequent to the Medical Therapeutic and Drug Advisory Committee meeting It would also require that the hearing record be closed at the end of the public hearing

This bill would provide that where prior committee review is required before a drug may be added to the formulary, the review shall occur, and the department's decision shall be rendered, within specified time limits

The bill requires the director to explain in writing his or her reasons in any instance in which such a drug is rejected by the director for drug formulary placement

The bill would limit the criteria which the department may use in deciding upon a drug's addition to, or deletion from, the formulary to specific and unambiguous criteria adopted by the department as regulation and contained in the California Administrative Code

The bill would provide for other procedures in connection with petitions for addition to, or deletion from, the Medi-Cal drug formulary, including a requirement that the director shall accept a petition for addition to the drug formulary for a drug whose prior petition for addition to the formulary has been rejected, upon the submission of new information that addresses the reasons for rejection

This bill would exempt regulations adding a drug to, or deleting a drug from, the Medi-Cal drug formulary from certain Administrative Procedure Act requirements

This bill would also require the committee to meet every 4 months

Ch. 694 (SB 363) Montoya. Schools interscholastic athletic programs

(1) Under existing law, there are no provisions establishing minimum qualifications for persons employed by school districts to serve in a limited assignment supervising the athletic activities of pupils. Under existing law, there are no provisions establishing standards of ethical conduct applicable to school district employees providing supervision and instruction in interscholastic athletic programs

This bill would require the State Board of Education to adopt rules and regulations establishing minimum qualifications for persons employed by school districts under specified provisions of current law to serve in a limited assignment supervising the athletic activities of pupils This bill would require these adopted rules and regulations to include, among other things, minimum educational and work experience standards to ensure that these employees are qualified to provide supervision and instruction of pupils in athletic programs and activities

This bill would require the governing board of each school district to comply with the rules and regulations prescribed by the State Board of Education establishing minimum qualifications for these employees

This bill would impose a state-mandated local program by requiring a school district to file an annual certification with the State Board of Education that it is in compliance with the requirements of this bill

This bill would require the State Board of Education to adopt rules and regulations establishing standards of ethical conduct applicable to each temporary, probationary, or permanent employee of a school district providing supervision and instruction in interscholastic athletic programs and activities This bill would require these standards to include, at a minimum, rules and regulations prohibiting these employees from exerting undue influence in a pupil's decision to enroll in an athletic program at any public or private postsecondary educational institution, or from otherwise influencing a pupil's decision to enroll in an athletic program for his or her personal gain

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1992, the provisions contained in the bill for which state reimbursement is required

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Ch. 695 (AB 786) Lancaster. Vehicles: hydraulic mechanisms.

(1) Under existing law, no vehicle or load, except a double deck bus, as specified, may exceed a height of 14 feet measured from the surface upon which the vehicle stands.

This bill would require that a boom or mast which is designed to be raised and lowered by hydraulic mechanisms and which is a constituent part of or an attachment to a vehicle or machine, be securely chained or otherwise restrained to ensure compliance with that height requirement while the vehicle or machine is being transported as a load upon any highway.

The bill would impose a state-mandated local requirement since a violation of the requirement would be an infraction.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 696 (AB 1197) Felando. Mackerel. allowable catch.

(1) Under existing law, the Department of Fish and Game is required to estimate the total population, as defined, of Pacific mackerel by June 1 of each year and the Director of Fish and Game is required to establish a season allowable catch of Pacific mackerel equal to 20% of the total population in excess of 20,000 tons total population, and, when that catch is taken, the director is required to establish a tolerance, as specified, for Pacific mackerel taken mixed with other species, except that, if the total population falls to below 20,000 tons, no Pacific mackerel may be taken or possessed. However, loads of fish may contain 18% or less of Pacific mackerel taken incidentally to other fishing operation.

This bill would, instead, require the department to study the Pacific mackerel resource and fishery, as specified, and prepare a report, as specified, by February 1 of each year. The bill would impose a moratorium if the total population is less than 20,000 tons, except that loads of fish may contain 18% or less of Pacific mackerel mixed with other species, which are taken incidentally with those other species The bill would also require the director to set a season quota if the total population is 20,000 tons, but less than 150,000 tons, at 30% of the excess over 20,000 tons. If the total population is 150,000 tons or more, the bill would prohibit a season quota limitation The bill would also delete the existing required finding for the director to revise the season quota, would extend the period the director would be so authorized from July 1 to February 1, to all year, and would delete the power of the Fish and Game Commission to revise the season quota in the balance of the year. The bill would also delete the specification of length of Pacific mackerel which may be taken.

The bill would make conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. Existing law makes a violation of the Fish and Game Code a misdemeanor.

This bill would impose a state-mandated local program by changing the definition of a crime.

The bill would provide that no reimbursement is required by this act for a specified reason.

(3) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would make the money available for a new purpose, it would make an appropriation.

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

Ch 697 (AB 52) Chacon. Rental housing.

Existing law requires the Department of Housing and Community Development to establish and administer an annuity fund and permits the department to make commitments to provide annuity payments from the fund directly to sponsors of rental housing developments which receive construction or mortgage financing, or both, from the federal Farmers Home Administration in order to ensure affordable rents to eligible households. "Rental housing developments" are defined for purposes of those provisions

as a development of 5 or more rental or cooperative units on one or more sites and includes a mobilehome park with 5 or more mobilehome spaces.

This bill would expressly define "rental housing developments" to include farm labor housing developments financed or insured by the Farmers Home Administration, as specified. The bill would also require the department to make requests for proposals available to all potential sponsors of rental housing developments to be financed by the Farmers Home Administration The requests for proposals would be required to contain information about the availability of annuity payments to ensure affordable rents in those developments financed by the Farmers Home Administration.

Ch. 698 (AB 865) Moore. Commercial ports. economic and development studies and report.

Existing law does not require the collection of economic status reports and development plans of commercial ports.

This bill would require the Department of Commerce and the State Lands Commission, on or before April 30, 1986, to jointly collect reports describing the current economic state of commercial ports, as defined, and plans for their future development. The bill would require the department to collect and compile these reports and transmit a summary of them to the Governor and Legislature on or before June 30, 1986.

Ch. 699 (AB 185) Seastrand Animals.

(1) Existing law makes reference to the Bureau of Meat Inspection and makes the bureau responsible for various duties relating to meat and poultry inspection

This bill would specifically establish the bureau in the Department of Food and Agriculture, rename the bureau as the Bureau of Meat and Poultry Inspection, and make conforming changes to statutes that refer to the bureau

(2) Existing law, adopted by administrative regulation, requires renderers to maintain specified records regarding animals received Existing law also requires persons who haul dead animals to register with the department.

This bill would additionally require renderers to maintain records of inedible kitchen grease, as defined, which is received, as specified. The bill would also specifically require transporters of inedible kitchen grease to maintain specified records, to register with the Director of Food and Agriculture, and to pay a registration fee of $100. Except for the registration fee, these requirements would apply to a renderer who operates vehicles for the purpose of collecting inedible kitchen grease Violation of these requirements would be a misdemeanor; thus the bill would impose a state-mandated local program by creating a new crime.

(3) Under existing law, the right to use a livestock brand is suspended for failure by the owner of the brand to pay a prescribed renewal fee The right to use the brand may be reinstated within the fiscal year in which the suspension occurs upon the payment of a reinstatement fee of $50.

This bill would instead permit the owner to reinstate the right to use a brand within one year from the date of suspension upon the payment of the biennial renewal fee plus a $25 penalty fee. The penalty fee would be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated to the department for the purpose of cattle protection, thus resulting in an appropriation

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 700 (AB 474) Grisham Health: licensing· records

(1) Existing law requires employees' clinics, as defined, to be licensed by the State Department of Health Services.

This bill would delete the licensure category and exempt it from regulation

(2) Existing law exempts from licensure a clinic, as defined, which is operated on an intermittent basis by a local health department or by a community or free clinic. Existing law additionally requires an intermittent or satellite clinic to meet all requirements of law, including administrative regulations pertaining to fire and life safety.

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This bill would, instead, so exempt a clinic which is operated by a primary care community clinic or a free clinic and which is operated on separate premises from the licensed clinic and is only open for limited services of no more than 20 hours a week. It would specify that these clinics meet all requirements of law, other than the licensure requirements, including administrative regulations pertaining to fire and life safety.

(3) Existing law relative to regulatory requirements for licensing of health facilities, as defined, does not specify that these requirements do not prohibit the use of alternative concepts, methods, procedures, techniques, equipment, personnel qualifications, or the conducting of pilot projects as long as the statutory requirements are met and the use has the prior written approval of the state department

This bill would so specify. It would establish a procedure for making this request for exception.

(4) Under existing law, there is no misdemeanor applicable to all health facilities, as defined, willfully preventing an interfering in the work of any duly authorized representative of the state department.

This bill would create this misdemeanor, as specified. The creation of a misdemeanor imposes a state-mandated local program.

(5) Existing law defines long-term health care facility for purposes of the Long-Term Care, Health, Safety, and Security Act of 1973 and for purposes of the law relative to management of long-term health care facilities.

This bill would revise these definitions, as specified.

(6) Existing law requires the State Director of Health Services to fix and determine by regulation certain qualifications and criteria a referral agency, as defined, must meet. Existing law does not specify in detail all the information required to be included in an application for a license as a referral agency.

This bill would delete the requirement that the state director adopt the regulations described above. It would specify in detail the information required in the application for licensure It would require the applicant to provide the department with satisfactory evidence of reputable and responsible character and capability of complying with the law, as specified. It would specify the instances where a license application is required to be submitted and when the department is required to be notified, as specified. It would prescribe procedures for contesting a denial of a license and for the cancellation or temporary suspension of a license It would require the department to issue a license after approval of the department and upon verification of compliance with the law, as specified.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 701 (AB 1041) Jones. Elevators

Existing law requires the Division of Occupational Safety and Health, in the Department of Industrial Relations, to inspect elevators in any place of employment at least annually The division is required, upon inspection, to grant a permit for operation of the elevator, if it is found to be in a safe condition for operation.

This bill would make all elevators subject to the division's authority except elevators under the jurisdiction of the United States government and those located in, or used solely by occupants or guests of, a single-unit private home.

The bill would also make other conforming changes, including the granting of authority to other persons, as well as employees, to seek a judicial remedy under circumstances when an elevator is in a condition which is dangerous to the life or safety of any person.

This bill would also provide that, if an elevator is subject to a full maintenance service contract, as defined, the division may, after investigation and inspection, issue a permit for operation for not longer than 2 years

Existing law requires that all elevators used for the carriage of passengers, with specified exceptions, be equipped with an emergency alarm, requires that all elevators with photoelectric tube devices which control the closing of automatic power-operated doors have a switch in the elevator car which, when actuated, will render the photoelectric tube device ineffective, and requires that at least one automatic elevator in each

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multistoried building, with specified exceptions, be equipped to bypass all car and corridor calls and return to the main floor when initiated by the operation of a keyed switch.

This bill would repeal these provisions.

The bill would require the Occupational Safety and Health Standards Board to adopt regulations pertaining to elevator emergency and signal devices, and the operation of elevators under fire and other emergency conditions

Ch. 702 (SB 116) Marks. Counties: formation and boundaries.

(1) Existing law provides two independent procedural processes for changing the existing boundary between counties.

This bill would repeal, and reenact in a substantially revised form, one of those existing procedures. Since the proposed proceedings, if initiated by petition or by the board of supervisors of one of the affected counties, would require specified actions to be taken by both of the affected counties, the bill would impose a state-mandated local program.

(2) Existing law prescribes procedures for the formation of new counties. Among other things, those procedures require that a county formation review commission, appointed by the Governor, make various specified determinations concerning a proposed new county. Those determinations become the terms and conditions for creation of the county and are final and binding in the proposed county, if established, and in each of the other "affected counties," as defined.

This bill would impose a state-mandated local program by additionally requiring a commission, whose expenses are borne by the counties, to include among its determinations the appropriations limit for the proposed new county.

This bill would also authorize a commission to adopt terms and conditions, other than those expressly enumerated, which are directly related to the creation of the proposed new county.

(3) Existing law requires the officers and employees of the other affected counties to cooperate with, and perform any functions required by, a county formation review commission.

This bill would extend that requirement to the officers and employees of state agencies, boards, and commissions.

(4) Existing law specifies the times at which elections on proposed county formation, and on location of the county seat and selection of county officers of the newly formed county, are to be held.

This bill would specify additional times for holding those elections.

(5) The bill would make other technical changes in the procedures for formation of a new county.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

(7) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 703 (SB 1107) Presley. Motor vehicle repair· motor vehicle inspection program: misdemeanors: civil penalties.

(1) Existing law required the Bureau of Automotive Repair in the Department of Consumer Affairs to establish a voluntary automotive repair facility certification program as a pilot study program for 36 months which started on July 1, 1983 The Legislative Analyst was required to prepare a report to the Legislature within 3 months of termination of the project by the bureau.

This bill would extend the termination date of the pilot study program to December 31, 1987, and would require the report of the Legislative Analyst to be made to the

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(2) Under existing law, in effect until January 1, 1990, with specified exceptions, any person who violates any statutory requirement of the biennial motor vehicle inspection program, or any order, rule, or regulation of the department regarding the program is liable for a civil penalty not exceeding $500 for each day in which the violation occurs.

This bill would make any person who violates any specified statutory requirement, or any specified order, rule, or regulation of the department, regarding the program guilty of a misdemeanor and punishable by a fine not exceeding $1,000 or by imprisonment not exceeding 6 months, or both, thereby imposing a state-mandated local program by creating a new crime

The bill would also authorize the department to issue citations and assess civil penalties against licensed test stations and licensed repair stations for violations. The bill would prescribe procedures and hearing requirements for these civil penalties.

The bill would require a designated advisory board created in the bureau to hold at least one public hearing for purposes of a study and an evaluation of the issuance of citations and the assessment of civil penalties under the bill and to report to the chief of the bureau on the manner in which this authority has been implemented and its recommendations thereon on or before January 1, 1989

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 704 (AB 645) Bradley Resource conservation districts.

Under existing law, a resource conservation district is governed by a 5-member elected board of directors in accordance with prescribed procedures for specified terms.

This bill would authorize, as an alternative, the board of directors to request the board of supervisors of the principal county to appoint any directors of the district, except those first elected The board of supervisors would be required to appoint directors from candidates filing nominating petitions, and if it did not conduct interviews or make an appointment within 60 days after the expiration of the term, the district directors would be authorized to make the appointment.

Ch. 705 (AB 225) La Follette Domestic violence centers

Existing law provides for the funding of programs for victims of domestic violence through the deposit of a portion of marriage license fees into a county's domestic violence programs special fund

This bill would establish a Comprehensive Statewide Domestic Violence Program in the Office of Criminal Justice Planning and require the executive director of that office to allocate funds to local domestic violence centers and to submit annual reports to the Legislature, as specified

The bill would take effect immediately as an urgency statute

Ch. 706 (AB 494) Elder. State employees' health benefits. retired state employees

Existing law provides that the Board of Administration of the Public Employees' Retirement System may contract for health benefits for state employees and annuitants

This bill would provide that the board shall not withdraw approval of, or fail to renew a contract with, a health maintenance organization during the first 5 years following board approval of a plan expansion, if certain conditions are met

This bill would cease to have any force or effect on and after January 1, 1990

Ch. 707 (AB 466) Agnos. Child day care facilities.

Existing law relating to child day care facilities generally provides for the temporary suspension, suspension, or revocation by the Director of Social Services of any license, registration, or special permit of a child day care facility in order to protect the health and safety of the children of the facility.

This bill would expressly provide that any parent or guardian of a child receiving services in a child day care facility has the right, with certain exceptions, to enter and

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inspect the facility without advance notice during normal operating hours or when the child is receiving services in the facility. The bill would prohibit discrimination or retaliation against the child, parent, or guardian for exercising the right to inspect and would require notice of the right to be given as specified.

The bill would also require the State Department of Social Services to issue a warning citation to a facility that denies the right of a parent to inspect the facility or retaliates and would authorize the department to impose a civil penalty and take other appropriate action for subsequent violations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by creating new crimes since a violation of the laws relating to child day care centers is a misdemeanor.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch 708 (AB 408) Allen. Optional PERS membership elective officers.

The existing Public Employees' Retirement Law authorizes elective officers, which is defined to include any appointive officer of a city or county with a fixed term of office, any city attorney, and any officer of a contracting agency elected by the people, to become a member of the Public Employees' Retirement System if the officer elects to do so; requires, upon such an election, both the officer and employer to make retirement contributions to the system.

This bill would include within the definition of elective officers, any member of a fiscally independent county board of education, but would be applicable only at the option of a fiscally independent county board of education, as specified

This bill would also include within the definition of elective officers, any assistant city attorney, but would be applicable only at the option of a city by amendment to its contract, as specified

Ch 709 (SB 1001) Dills. Arbitrators

Existing law provides for the arbitration of various disputes instead of a judicial resolution

This bill would provide that an arbitrator has the immunity of a judicial officer from civil liability when acting in the capacity of arbitrator.

The provisions of the bill would remain in effect only until January 1, 1991, unless a later enacted statute which deletes or extends that date is chaptered on or before that date.

Ch 710 (SB 704) Robbins Tow cars

(1) Existing law authorizes local authorities, as defined, to regulate, by ordinance or resolution, tow car service Existing law prohibits a city or city and county from levying a business license tax for revenue purposes on tow car operations with no fixed place of business therein, except as specified.

This bill would redefine tow cars to exclude automobile dismantlers' tow vehicles, as defined. The bill would also authorize local authorities to regulate tow car drivers, but would limit the regulation of tow car service or drivers to those whose principal place of business or employment is in the jurisdiction of the local authority The bill would specify that it does not limit the authority of a city or city and county, under existing law, to impose a business license tax upon the vehicle towers described above The bill would also exempt automobile dismantlers' tow vehicles and licensed repossessors, as specified, from that regulation

The bill would require specified lighting on vehicles towed by an automobile dismantler's tow vehicle and specified owner or driver identification signs on the automobile dismantler's tow vehicle The bill would authorize use of flashing amber warning lights on an automobile dismantler's tow vehicle under specified conditions

A violation of the provisions of the bill would be an infraction under existing provisions of the Vehicle Code, thereby imposing a state-mandated local program

(2) Under existing law, local authorities are authorized to remove unlawfully parked

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vehicles under specified circumstances. Existing law also prohibits the parking of a vehicle in a place designated as a fire lane

This bill would authorize local authorities to regulate or authorize the removal by peace officers of vehicles unlawfully parked in a fire lane on private property

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 711 (SB 963) Morgan School counseling career guidance in science and technology.

Existing law authorizes the governing boards of school districts to provide for counseling programs, including career counseling

This bill would direct the State Department of Education to develop a career guidance model, for use by school districts, to provide information on potential employment in, and educational preparation for, careers in science and technology

Ch. 712 (AB 765) Hughes. School districts governing board members compensation.

Existing law permits the county board of supervisors to allow to each member of the county board of education as compensation an amount not less than $20, nor more than $80, for each meeting actually attended, up to and including 5 meetings

This bill, instead, would prescribe the maximum compensation which may be received by members of county boards of education for meetings actually attended based upon the classification of the county in which he or she serves as a member of the board, as specified This bill would specify that a member of a county board of education may be paid for any meeting for which he or she is absent if the board includes within its minutes a finding that at the time of the meeting that member was performing services outside the meeting on behalf of the board

Ch. 713 (AB 590) La Follette Victims of crime: nonresidents

Existing law authorizes the indemnification by the State Board of Control of victims of crime, as defined, who are residents of this state or are military personnel or family members of military personnel stationed in this state

This bill would provide this indemnification to nonresidents of this state who are victims of crime as a result of criminal acts occurring within this state only when the board determines that federal funds are available for the compensation of victims of crime, and would appropriate $32,000 from the General Fund for this purpose.

Ch. 714 (AB 272) Filante Acupuncture: certification examination. clinical service.

Under existing law relating to applicants for a certificate to practice acupuncture, 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 is required 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.

This bill would repeal this provision which requires certain applicants for a certificate to practice acupuncture to complete a period of clinical service prior to taking the certification examination and instead would require applicants for certification as an acupuncturist to complete a clinical internship training program approved by the Acupuncture Examining Committee, as specified

The bill would also express that it is the intent of the Legislature in enacting this bill to provide for the standardization of acupuncture training, to be implemented and reported by the Acupuncture Examining Committee, as specified

This bill would incorporate additional changes to Section 4938 of the Business and Professions Code, as proposed by AB 2442, if both bills are chaptered and this bill is chaptered last

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Ch 715 (AB 1213) Robinson Civil proceedings· peremptory challenges

Existing law specifies times within which a peremptory challenge for prejudice may be made in a civil proceeding with respect to the assigned judge, court commissioner, or referee

This bill would permit such a peremptory challenge to be made when the same trial judge is assigned for a new trial after reversal on appeal.

Ch. 716 (AB 329) Lancaster Unemployment compensation benefits

Existing law provides that the decision of the California Unemployment Insurance Appeals Board on an appeal from the decision of an administrative law judge must be rendered within 60 days after the filing of the appeal, unless the appeals board requires the taking of further evidence, in which case the hearing shall be commenced within 60 days after the filing of the appeal, and the decision of the board shall be filed within 60 days after the hearing

This bill would instead provide that the decision of the appeals board on an appeal from the decision of an administrative law judge must be rendered within 60 days after the submission, rather than the filing, of the appeal, unless the appeals board requires the taking of further evidence, in which case the hearing shall be commenced within 60 days after the submission, rather than the filing, of the appeal, and the decision of the board shall be mailed, rather than filed, within 60 days after the hearing

Existing law permits the Director of Employment Development to file a certificate for the recovery of overpayments of unemployment compensation benefits with the county clerk of the county from which the overpayment of benefits was paid

This bill would instead permit the director to file the certificate with the clerk of the proper court in the county from which the overpayment of benefits was paid

Existing law provides that, in connection with the filing of claims for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits, the Employment Development Department shall give a notice of the filing of a new or additional claim to the employing unit by which the claimant was last employed immediately preceding the filing of the claim

This bill would provide that, this notice is not required if the additional claim is the result of the filing of a partial claim, there has not been a subsequent employing unit which is designated as the last employer, and there is no separation issue

Existing law provides that one of the qualifications which must be met if an unemployed individual is to be eligible to receive either unemployment compensation benefits, extended duration benefits, or federal-state extended benefits, is that the individual must have been actively engaged in seeking work

This bill would provide that this qualification shall not apply to any week in which the individual is before any federal or state court pursuant to a lawfully issued summons to appear for jury duty, or the individual is hospitalized for treatment of an emergency or life-threatening condition. Since this provision would apply to local agencies and since it expands the circumstances under which benefits may be awarded, this bill would 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

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 717 (AB 680) Bronzan California water districts assessments

(1) Under the California Water District Law, the board of directors of a California water district is required to file with the clerk of the board of supervisors an estimate of the sum required to discharge its obligations between 30 and 90 days after the formation of the district, and between those dates annually thereafter, or between 30

and 90 days from [the beginning of]* the district's fiscal year if a fiscal year is adopted by the board.

This bill would delete the delay of 30 days before a district may make that filing.

(2) Under existing law, the board of directors may provide for an alternative method of valuation of land 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 board is required, 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.

This bill would permit the board, in this case, to provide for more than one schedule of valuations based upon different benefits bestowed on the land and the assignment of more than one valuation to the lands and the levy of a separate assessment for the different benefits bestowed on the land.

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

Ch. 718 (AB 452) Costa. Educational facilities: Field Act.

Existing law exempts the Madera Unified Training Center in the Madera Unified School District from the structural standards of the so-called Field Act until June 30, 1985.

This bill would extend that exemption to June 30, 1988, or the receipt of an apportionment from the State Allocation Board for the construction of a replacement center, whichever occurs earlier.

Existing law also exempts certain buildings in the Allan Hancock Joint Community College District from the structural standards of the so-called Field Act until June 30, 1985.

This bill would extend that exemption to June 30, 1988, or until the final completion of replacement facilities, whichever occurs first.

This bill would also authorize the governing board of the Springville Elementary School District to continue to use a specified building for library purposes until one year from the date of receipt of an apportionment from the State Allocation Board for the construction of a replacement facility, or June 30, 1987, whichever occurs earlier.

This bill would take effect immediately as an urgency statute.

Ch. 719 (AB 1328) Johnson. Department of Consumer Affairs.

Existing law provides for the licensing of persons in various businesses and professions which licenses authorize the holder to engage in a particular business or to perform specified acts. Various licensing laws provide exemptions from their laws for licensees of other laws whose duties and functions overlap.

This bill would require the Department of Consumer Affairs to conduct a study to determine the number of current licensees who are required to possess two or more separate licenses for the performance of similar or common services and to develop a plan to eliminate the need for dual licenses, and to report its findings and recommendations to the Legislature by January 1, 1987.

Ch. 720 (AB 354) La Follette. Drivers' licenses: point count.

Under existing law, the Department of Motor Vehicles is authorized to refuse to renew, suspend, or revoke the driver's license of a person who meets the definition of a negligent operator. Points are given for violations and accidents to determine who is a negligent operator for this purpose.

This bill would require a value of 2 points to be given to specified Vehicle Code violations and any conviction of vehicular manslaughter.

Ch. 721 (AB 427) Seastrand. Agricultural pests: regulations

(1) Under existing law, the county agricultural commissioner is required to advise the owner of abandoned or neglected plants or crops that constitute a nuisance that, unless the plants or crops are removed or destroyed within 60 days, as specified, the commissioner will report the existence of the nuisance to the district attorney or to the county counsel with a request that specific court action be taken.

This bill would require the commissioner to advise the owner that the time for

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removal or destruction is less than 60 days if there is a county ordinance specifying a shorter period. The bill would also make conforming changes to these provisions by adding neglected plants or crops to those plants or crops for which the provisions are applicable.

(2) Existing law declares premises, plants, conveyances, or other things which are infected or infested with a pest to be a public nuisance and prescribes the method for abatement of the nuisance.

This bill would prescribe a system for abatement of celery produced in violation of regulations to control pests by establishing a host-free district The bill would also prohibit any celery grown during a host-free period from being harvested for sale Violation of this provision would be a misdemeanor, thus this bill would impose a state-mandated local program by creating a new crime The bill would also require violators of these provisions to forfeit the sale price received for the celery to the county

(3) Existing law authorizes the Director of Food and Agriculture to issue a proclamation which declares a host-free period or a host-free district, or both, and which describes the host in order to eradicate or control an agricultural pest.

This bill would instead authorize the director to adopt regulations instead of issuing a proclamation to so declare and describe

(4) Existing law declares black currant to be a public nuisance and prescribes a summary abatement of it.

This bill would delete these provisions.

(5) Under existing law, no quarantine regulation, except an emergency regulation, takes effect until it is approved by the Governor and filed with the Secretary of State, as specified. Existing law generally provides that any state regulation becomes effective 30 days after filing with the Secretary of State.

This bill would repeal the provisions regarding the procedure and effective date of quarantine regulations, as stated above, thus making applicable to quarantine regulations the general requirements applicable to the filing and effective date of state regulations.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 722 (SB 986) Campbell. Insurance alcohol and chemical dependency coverage.

Existing law requires health care service plans, group disability insurance policies, and nonprofit hospital service plans to offer coverage for alcoholism on terms and conditions as may be agreed upon between the parties.

This bill would authorize treatment of alcoholism or chemical dependency to take place in health facilities licensed to provide alcoholism or chemical dependency services, as specified.

Ch. 723 (AB 864) Moore Personnel commissions· membership.

(1) Existing law requires the governing board of each school district and each community college district adopting the merit system for its classified employees to establish a personnel commission, comprised of 3 members appointed in a prescribed manner, to be appointed in accordance with the requirements of current law

This bill would authorize the governing board of any school district or community college district which has adopted the merit system, by majority vote, and with the agreement of the existing personnel commission of the district, to increase the membership of the personnel commission from 3 to 5 members

This bill would specify that any district electing to establish a 5-member personnel commission shall have 2 members appointed by the governing board of the district and 2 members, nominated by the classified employees of the district, also appointed by the governing board This bill would specify that these 4 appointed members of the commission shall, in turn, appoint the 5th member to the commission

(2) Existing law requires the governing board of each school district and community college district, within 30 days after adoption of the merit system to publicly announce

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its appointee to the commission Existing law specifies that if the 2 members appointed to the commission by the governing board do not appoint the 3rd member to the commission as prescribed under current law, the Executive Officer of the State Personnel Board shall make the appointment

This bill would revise current law to provide for the announcement of intended appointees to the 5-member personnel commission, as prescribed, and would specify that if the governing board and the classified employees of the district are unable to agree upon nominations to the commission nominated by the classified employees of the district by September 30, the Executive Officer of the State Personnel Board shall make the appointment within 30 days

(3) Existing law prescribes the procedures and the terms of office for members of the personnel commission in districts which have newly adopted the merit system.

This bill would revise current law to reflect procedures for the appointment of members of 3-member and 5-member personnel commissions, respectively This bill would specify that in school districts and community college districts with a 3-member personnel commission, the initial appointee of the governing board shall serve a 3-year term, and the term of the appointee recommended by classified employees, and the 3rd member selected by the other 2 members shall be 2 years and one year, respectively. This bill would provide that in school districts and community college districts which have elected to establish a 5-member personnel commission, one of the initial appointees of the governing board and one of the initial appointees nominated by the classified employees shall serve 3-year terms, would provide that the term of the other initial appointee nominated by the classified employees shall be 2 years, and would provide that the term of the appointee selected by the other 4 members of the commission shall be one year

This bill also would authorize a 5-member personnel commission to perform any act authorized or required by law when 3 members have been appointed

(4) Existing law specifies that in a school district or community college district which has already adopted the provisions of current law relating to the establishment of the merit system on September 17, 1965, members of the personnel commission shall continue to be appointed alternately by the Superintendent of Public Instruction and by the Executive Officer of the State Personnel Board, each of whom may consider the recommendation of the governing board and other interested parties

This bill would require these members to be appointed alternately by the Chancellor of the California Community Colleges and by the Executive Officer of the State Personnel Board.

This bill would specify that in these districts, if the governing board and the personnel commission elect to increase the personnel commission from 3 to 5 members, the Chancellor of the California Community Colleges and the Executive Officer of the State Personnel Board shall make one of the additional appointments This bill would require subsequent appointments to be made in accordance with certain statutory provisions.

(5) Existing law authorizes the governing board of each school district and each community college district to authorize payment to members of the personnel commission in an amount not to exceed $25 per meeting and not to exceed $100 per month.

This bill would increase those maximums to $50 per meeting and an amount not to exceed $250 per month.

(6) Existing law also specifies that in a unified school district with an average daily attendance in excess of 400,000, the governing board may authorize payment to members of the personnel commission in an amount not to exceed $50 per meeting and $250 per month.

Existing law also specifies that in a community college district with an average daily attendance in excess of 40,000 and which is located in a metropolitan area with a population of more than 4,000,000, the governing board may authorize payment to members of the commission in an amount not to exceed $30 per meeting, and not to exceed $150 per month

This bill would increase these amounts to $100 per meeting, and to an amount not to exceed $500 per month.

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Ch. 724 (AB 734) Frizzelle. Prosecutors.

Existing law provides that notice of any motion to disqualify a district attorney from prosecuting a criminal case shall be served on the district attorney and the Attorney General at least 10 days before the motion is heard and specifies the contents of the notice of motion. The Attorney General is permitted to appear at the hearing on the motion and file an opinion. An order recusing the district attorney may be appealed by the district attorney or the Attorney General and the order is stayed pending any appeal.

This bill would make the above provision applicable to the notice of any motion to disqualify a district attorney from performing any authorized duty.

Ch. 725 (SB 328) Presley. Evidence: discovery.

Existing law provides that the records or proceedings of committees of certain professional staffs of hospitals, and of certain health care professional review committees of local societies are not subject to discovery.

This bill would apply those immunities from discovery to records or proceedings of psychological staff and specified psychological review committees, and would state that those provisions would not exclude the discovery or use of relevant evidence in a criminal action.

Ch. 726 (AB 644) Johnson. Child day care and community care facilities.

Existing law provides for the temporary suspension of any license, registration, or special permit to operate a day care center prior to a hearing when the Director of Social Services is of the opinion that the action is necessary to protect any child of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The hearing must be set within 15 days of, and held within 30 days of, notice to the licensee, registrant, or holder of the special permit. The temporary suspension remains in effect until the final determination by the director unless the director fails to make a determination within 30 days of completion of the hearing, in which case the temporary suspension is vacated.

This bill would require that when a local child protective agency has a reasonable suspicion that the death or injury of a child occurred at a child day care facility because of abuse or willful neglect of the personnel of the facility, the agency shall immediately so notify the Director of Social Services.

The bill would require that within 2 working days of receipt of evidence that the death or serious injury occurred at a child day care facility because of abuse or willful neglect by the personnel of the child day care facility, the department shall temporarily suspend the license, registration, or special permit of the facility and notify the licensee, registrant, or holder of the special permit of the effective date thereof and serve the provider with an accusation. The hearing would otherwise be held in the same manner as other temporary suspensions

This bill would also require the director to request, and would require that law enforcement and other agencies investigating the death shall, expedite and coordinate evidence gathering in the case and make it available, to the extent that providing the evidence does not adversely affect any criminal prosecution, as soon as possible for the purposes of the hearing on the temporary suspension.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose state-mandated local programs by requiring law enforcement and other agencies to expedite and coordinate evidence gathering and to make the evidence available for license suspension hearings and by requiring local child protective agencies to report injuries or deaths at child day care facilities to the Director of Social Services, as specified.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

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Ch. 727 (AB 516) Condit. School transportation

Existing law authorizes the Superintendent of Public Instruction to apportion approved home-to-school transportation costs to school districts, and specifies that, for purposes of this apportionment, 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 provide, instead, that the approved state home-to-school transportation aid received by the Snelling-Merced Falls Union Elementary School District for the 1982–83 fiscal year shall be deemed to be $15,017, 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 appropriate $10,454 to the State Department of Education for the purpose of this transportation funding

This bill would state the legislative intent to make changes in the state apportionment to that school district in the 1983–84 fiscal year and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year

Ch 728 (AB 384) Filante Community care facilities: residential facilities for the elderly

Under the existing California Community Care Facilities Act and the "California Residential Care Facilities for the Elderly Act," as proposed by SB 185 of the 1985–86 Regular Session, there is no definition of "unlicensed facility."

This bill would provide this definition and prohibit an unlicensed facility, as so defined, from operating in this state. This bill would impose a state-mandated local program, since the violation of the act is made a misdemeanor under existing law and the bill would authorize the director to bring an action to enjoin the violation

Existing law requires that anyone who operates a community care facility must first obtain a license to do so The "California Residential Care Facilities for the Elderly Act," as proposed by SB 185 would impose a similar requirement relating to persons who operate a community residential care facility for the elderly.

This bill would require that a valid license must be obtained and maintained in order to operate a community care facility or residential facility for the elderly

This bill would specify that specified provisions of this bill relating to licensure of residential facilities for the elderly shall only become operative if SB 185 is chaptered and becomes effective on or before January 1, 1986.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch 729 (SB 521) Royce. Schools: Civic Center Act.

Under current provisions of the so-called "Civic Center Act," the governing board of a school district may grant the use of school facilities or grounds as a civic center to churches or religious organizations for the conduct of religious services for temporary periods under specified circumstances

This bill would limit the authority of a school district to grant the use of the school facilities or grounds to churches or religious organizations for the conduct of religious services for temporary periods to a one-time or renewable basis.

Ch 730 (AB 1028) O'Connell. Schools.

Existing law authorizes school districts and community college districts adopting the merit system for classified employees to appoint a personnel commission, as prescribed. Existing law authorizes the appointment of a personnel director of the commission who is responsible to the commission for carrying out all procedures in the administration of the classified personnel in accordance with the requirements of existing law and rules of the commission Existing law specifies that a personnel director shall be free of prejudgment or bias in order to ensure the impartiality of the commission

This bill would prohibit a personnel director from advising or making recommenda-

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tions to the commission regarding any disciplinary action appealed to the commission, as specified.

Ch. 731 (AB 1030) McAlister. Mediation: evidence.

Existing law provides for mediation or conciliation of disputes in certain kinds of cases, and in certain of those instances prescribes the conduct of those proceedings, including a provision that all communications to the mediator are official privileged information.

This bill would provide that where the parties to a mediation so agree, the admissibility in evidence and disclosure of specified communications relating to that proceeding would be restricted, except as specified.

Ch 732 (SB 1030) Carpenter. Engineers.

(1) Existing law authorizes the Board of Registration for Professional Engineers and Land Surveyors to establish various engineering disciplines within the practice of engineering and prohibits any unregistered person from using any title in any branch of engineering, as may be established by the board.

This bill would delete the power of the board to establish branches or disciplines within the practice of engineering and would, instead, codify certain existing branches and disciplines as engineering branch titles. The bill would make conforming changes.

(2) Existing law provides that a majority of the board constitutes a quorum for the purpose of conducting business.

This bill would specify that, except as otherwise provided by law, the vote required for any action of the board is a majority of the members present, but not less than 5.

(3) Existing law authorizes the board to hold the examination for registration as an engineer at such time and places as the board shall determine.

This bill would require the board to administer the second division of the examination at least once every year

(4) Existing law authorizes the issuance of an engineer's certificate to a person holding a certificate issued by any state or country when the applicant's qualifications meet requirements for registration in this state.

This bill would specify that a person applying for a certificate pursuant to the above provisions may not be required to meet any requirements which are not required of California applicants. The bill would provide that an applicant who has passed an equivalent second division examination in a branch not recognized in this state shall be registered in the branch having the closest relationship to the applicant's experience and education.

(5) The bill would also delete obsolete provisions relating to members of the board.

(6) This bill would incorporate additional changes to Section 6751 of the Business and Professions Code, as proposed by SB 128, if this bill and SB 128 are both chaptered and this bill is chaptered last

Ch. 733 (SB 140) Dills. Lenders: appraisal fees.

Under existing provisions of the Personal Property Brokers Law and Consumer Finance Lenders Law, a licensed personal property broker or consumer finance lender may charge an appraisal fee, in connection with a loan secured by real property, not exceeding the lesser of the actual cost of appraisal or 1% of the face amount of the loan. The Commissioner of Corporations may, by regulation, reduce this fee if the appraisal is performed by an employee of the licensee or an affiliate thereof.

This bill would delete the 1% limitation on appraisal fees and provisions authorizing the commissioner to provide reduced fees for appraisals performed by employees of the licensee or an affiliate.

Ch 734 (AB 1970) Molina Consumer credit: advertising.

Existing law does not specifically regulate advertising relating to consumer credit.

This bill would make it unlawful for a seller to advertise any payment, number of payments, or period of repayment for any goods, property, or services purchased through an extension of consumer credit under certain open-end credit plans unless specified information with respect to the extension of credit is disclosed in the advertisement. It would also make it unlawful for a seller to advertise terms that actually are not or will not be arranged or offered. A violation of the provisions of this bill would

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constitute a misdemeanor, thus creating a state-mandated local program, and would give rise to an action for civil penalties or injunctive relief.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 735 (AB 331) Katz. Driving offenses.

(1) Under existing law, a person who drives a motor vehicle is deemed to have consented to chemical testing of specified body fluids to determine the concentration of alcohol or drugs in the person's blood, under specified circumstances The Department of Motor Vehicles is required to suspend or revoke the person's driving privilege on receipt of a report of refusal or failure to submit to, or complete, the testing Also, existing law imposes specified fines and imprisonment upon conviction of specified alcohol-related driving offenses.

This bill would enact the La Follette-Katz Chemical Test Enhancement Act to declare legislative intent to reorganize those provisions relating to the chemical testing of drivers and to revise and recast those provisions. The bill would make the willful refusal to submit or failure to complete the chemical test or tests a special circumstance, which when pled and proven, would require specified enhancement of penalties if the person is convicted of the specified alcohol-related offenses, thus imposing a state-mandated local program.

(2) Existing law prohibits a person granted probation after conviction of the specified alcohol-related offenses from refusing to submit to chemical testing of his or her blood, breath, or urine and prohibits the person from driving with a measurable amount of alcohol in his or her blood. If the person violates these requirements, the court is required to revoke probation and may grant a new term of probation on specified conditions.

This bill would limit the new term of probation under those provisions to not more than 3 years.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 736 (AB 522) O'Connell. Vehicle operation: earplugs.

(1) Under existing law, operators of motor vehicles are prohibited from wearing any headset covering, or earplugs in, both ears, except, among others, persons operating authorized emergency vehicles under emergency conditions. A violation of this provision is an infraction

This bill would also prohibit operators of bicycles from wearing those devices. The bill would extend the exemption for operators of emergency vehicles by deleting the limitation to operation under emergency conditions. The bill would also exempt persons wearing specified prosthetic devices. The bill would thereby impose a state-mandated local program by changing the definition of a crime and by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would incorporate additional changes in Section 21200 of the Vehicle Code made by Assembly Bill 1414, to be operative only if both this bill and AB 1414 are enacted and become effective January 1, 1986, and this bill is enacted last.

Ch. 737 (AB 1133) McAlister. Damages against certain professionals.

Existing law provides that certain professionals are immune from monetary liability or a cause of action for damages suffered by a person as a result of specified actions performed in the course of the professional's duties. However, case law has held that a

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psychiatrist may be liable for negligently failing to protect a person when a patient presents a serious danger to that person.

This bill would provide for immunity from liability for a psychotherapist who fails to warn of and protect from, or predict and warn of and protect from a patient's threatened violent behavior, except where the patient has communicated to the psychotherapist a serious threat of violence against a reasonably identifiable victim. This bill would further provide that if a duty to warn and protect does exist, it would be discharged by the psychotherapist making reasonable efforts to communicate the threat to the victim and to a law enforcement agency

Ch 738 (SB 620) Ellis. Environmental quality: legislative intent.

The Subdivision Map Act prohibits the approval of a tentative subdivision map or parcel map if the legislative body of the city or county having jurisdiction makes a finding that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Under the California Environmental Quality Act (CEQA), 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 effect on the environment CEQA also prohibits a public agency from approving or carrying out a project for which an environmental impact report has been completed which identifies one or more significant effects unless the public agency makes one or more specified findings, one of which is that the specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the report

This bill would authorize the city or county, notwithstanding a finding made under the provision of the Subdivision Map Act, to approve the map if an environmental impact report was prepared on the project and a finding under CEQA, as specified above, was made.

Ch 739 (SB 1460) Robbins. Air pollution: toxic air contaminants

(1) Existing law requires the State Air Resources Control Board to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources

This bill would require any public utility owned by a municipal corporation to provide public notice, as specified, before applying to the South Coast Air Quality Management District for a permit to construct or operate any facility, machine, or contrivance which would be used for water treatment and would emit toxic air contaminants. This requirement would impose a state-mandated local program The bill would apply only to any facility, machine, or contrivance on which construction began subsequent to May 24, 1985.

The bill would also make a statement of legislative intent

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 740 (SB 531) Mello. Waterfront restoration financing.

(1) The California Urban Waterfront Area Restoration Financing Authority Act provides for the issuance and sale of revenue bonds for the purpose of financing coastal and inland waterfront restoration projects, as prescribed. The act defines the term "project" for purposes of this act to exclude office structures.

This bill would instead provide that a project may include office structures on lands not subject to the public trust for commerce, navigation, and fisheries or office structures for maritime purposes on public trust lands if the State Coastal Conservancy makes specified findings regarding the project.

(2) Under the act, all expenses incurred in carrying out the act are payable solely

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from funds provided under the act.

This bill would deem the activities of the conservancy under the act to be consistent with and in furtherance of specified urban waterfront restoration provisions relating to the conservancy, would authorize the conservancy to pay for its support costs associated with the act from any funding source appropriated and available to support its activities under those provisions, and would require the conservancy to seek reimbursement of its support costs with respect to projects for which bonds are issued under the act from the Urban Waterfront Area Restoration Financing Authority.

Ch. 741 (AB 1366) Hughes. Local education agencies: fiscal reports.

Existing law requires each county superintendent of schools and each superintendent of a school district to perform specified responsibilities regarding the administration of local education.

This bill would require each county superintendent of schools to submit two quarterly reports during the fiscal year to the county board of education regarding the financial condition of the county office of education, including a certification of solvency, as specified Copies of any report in which the superintendent is unable to certify unqualifiedly that the financial obligations of the county office of education would be met for the remainder of the fiscal year would be required to be sent to the Controller and the Superintendent of Public Instruction.

This bill would apply these same requirements to each superintendent of a school district, with regard to reporting the financial condition of the district to the governing board and to each governing board with regard to reporting the financial condition of the district to the Controller and the Superintendent of Public Instruction

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by requiring each county superintendent of schools, each superintendent of a school district, and each governing board of a school district to prepare and submit reports of financial condition, as specified, and by requiring each county board of education to review, as a scheduled agenda item at a regularly scheduled public meeting, the report of the annual audit provided for by the county superintendent of schools under existing law.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 742 (AB 931) Hill. Horseracing.

(1) Existing law requires an association conducting a fair racing meeting, other than a harness meeting, or conducting a mixed breed meeting to deduct an additional 0.34 of 1% of the total amount handled, over and above the percentage otherwise deducted for license fees, commissions, and purses, for payment of breeder and stallion awards. These funds are distributed by the official registering agency or an officially recognized horsemen's organization.

This bill would authorize the organization making the distribution to deduct an amount for expenses not to exceed 10% of the total amount deducted

(2) Existing law requires an association conducting a quarter horse racing meeting, as specified, to deduct an additional 0.2 of 1% of the total handled and requires the California Horse Racing Board to designate an officially recognized horsemen's organization to distribute these funds. The organization is authorized to deduct up to 5% of these funds for expenses.

This bill would increase that maximum amount deducted for expenses to 10%.

Ch. 743 (AB 557) Statham. Driver's licenses.

Under existing law, the Department of Motor Vehicles may issue a temporary driver's license to a person applying for a driver's license or to a licensee whose license needs changes. Existing law prohibits the department from issuing to, or renewing a license of, any person who, among other things, is unable to show by examination the ability to

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understand traffic signs or signals or who does not have reasonable knowledge of specified provisions of law

This bill would authorize the department to issue a temporary license to an applicant renewing a license or to a previously licensed, as specified, person who fails the written examination on the first attempt.

Ch. 744 (SB 785) Boatwright. California State University· permanent off-campus center· Contra Costa County.

Existing law established the California State University, a system of public postsecondary education that operates through specified campus sites throughout this state.

This bill would require the Trustees of the California State University to consider the establishment of a permanent, state-supported off-campus center on state-owned property in Contra Costa County, to continue to offer education programs at the upper division and graduate levels available in that area

This bill would also require the trustees to develop criteria for the approval of any proposals for state-supported off-campus centers, and to submit the criteria to the California Postsecondary Education Commission The trustees and the commission would be required to report to the Legislature concerning the criteria no later than July 1, 1986.

This bill would appropriate $150,000 from the General Fund to the California State University to prepare a master plan for the development of physical facilities, and to conduct a related demographic survey, as specified, pursuant to the establishment of the center.

This bill would take effect immediately as an urgency statute.

Ch 745 (AB 1148) M. Waters. Department of Motor Vehicles confidential records.

(1) Existing law provides for the confidentiality of the home address of any Member of the Legislature, judge, court commissioner, district attorney, or peace officer in any record of the Department of Motor Vehicles if the person requests confidentiality

This bill would revise and extend these confidentiality provisions to include the Attorney General, the State Public Defender, public defender, and attorneys employed by the Department of Justice, office of the State Public Defender, or a county office of the district attorney or public defender.

The bill would become operative on July 1, 1986.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

The bill would provide that no reimbursement is required by this act for a specified reason

Ch. 746 (SB 341) Mello Multipurpose senior services

Existing law provides for the Multipurpose Senior Services Program (MSSP), under which the Department of Aging distributes funds to local government agencies for allocation to multipurpose senior services programs, which provide services to elderly persons

Existing law also provides that, under certain circumstances not applicable to MSSP program, the Department of Aging may make advance payments to organizations receiving funding from the department.

This bill would permit the department to make advance payments to local government agencies in order to ensure the effective operation of multipurpose senior services programs Advance payments could not exceed 25% of a program's estimated annual allocation.

This bill would take effect immediately as an urgency statute.

Ch. 747 (SB 412) Morgan. Certificated employees. basic skills proficiency.

Existing law provides that, 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 prescribed under current law, or

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unless that person is exempted from the basic skills proficiency test requirement.

Existing law provides that a certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district

This bill would authorize a person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency test examination which has been developed and administered by the school district offering that person employment, to be employed on a temporary basis by that district on the condition that he or she will take the basic skills proficiency test within one year from the date of his or her employment.

Ch 748 (SB 489) Royce. Bagley Conservation Fund: abolishment.

Under existing law, there is the Bagley Conservation Fund The Budget Act of 1984 transferred the unencumbered balance in the fund on July 1, 1985, to the State Parks and Recreation Fund.

This bill would abolish the Bagley Conservation Fund, [would]* transfer any encumbered balance in the fund to the State Parks and Recreation Fund, and would require that any appropriation made from the Bagley Conservation Fund be paid as if the appropriation had been made from the State Parks and Recreation Fund

Ch. 749 (SB 581) Vuich Property taxation: assessment reductions.

Existing property tax law permits a party affected or his or her agent to apply in writing to a county assessment appeals board for a reduction in an assessment on the local roll if the application is filed within a specified time period within the fiscal year to which the assessment is applicable. The county board is required, prior to making any reduction, to examine the party affected or his or her agent regarding the value of the property unless a written stipulation of the party or his or her agent and the assessor or the county legal officer as to the correct value of the property is filed, in which case the county board may do either of the following. (1) accept the stipulation, waive the appearance of the party affected or his or her agent, and change the assessed value, as specified; or (2) reject the stipulation and set or reset the application for reduction for hearing.

This bill would permit an application for reduction in an assessment on the current roll or the supplemental roll to be filed at any time if the party affected or his or her agent and the assessor stipulate to the existence of an error in the assessment as the result of the assessor's determination of value, thereby imposing a state-mandated local program by requiring the establishment of a supplemental hearing procedure. This bill would require the county board under this procedure to hear all evidence pertinent to the application and would preclude the county board's acceptance of a written stipulation as to the value of the property and its waiver of the appearance at the hearing of the party affected, his or her agent, or the assessor

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 750 (SB 653) Dills. Tourism.

Existing law provides for the California State World Trade Commission with specified duties concerning international trade and international tourism as it relates to the overall growth of California's economy.

Existing law also provides for an Office of Tourism, the California Tourism Policy Act, and the California Tourism Commission within the Department of Commerce with specified duties and responsibilities related to tourism

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This bill would make legislative findings and declarations concerning tourism and travel in California and would direct the Employment Development Department to develop estimates of employment for the California tourism industry based upon data from the employment statistics program.

In addition, the bill would require the Office of Tourism, by June 30, 1986, to recommend to the Governor and to the Legislature methods which may be used to regularly collect and disseminate data on state and local tax revenues attributable to the California tourism and travel industry.

Ch. 751 (AB 820) Cortese. County budgets.

Existing law prescribes detailed procedures for the adoption by a county board of supervisors of an annual budget for the county and for special districts governed by the board of supervisors, and for fixing of the tax rate of real property within the county.

This bill would substantially revise those procedures and in so doing would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 752 (SB 226) Ellis. Motor vehicles: license plates and fees.

(1) Existing law authorizes the Department of Motor Vehicles to issue special distinctive motor vehicle license plates to specified persons. Under existing law, with specified exceptions, all funds received by the department are required to be deposited in the Motor Vehicle Account in the State Transportation Fund.

This bill would authorize the department to issue distinctive license plates for motor vehicles owned or leased by an honorary consular officer or similar official, as defined. The motor vehicles would be subject to the same fees as for environmental license plates, and the bill would require these fees to be deposited in the Motor Vehicle Account.

(2) Under existing law, subject to certain restrictions and limitations, environmental license plates are required to consist of any combination of numbers or letters of not less than 2 positions and not exceeding 6 positions for plates issued for motorcycles and not exceeding 7 positions for plates issued for other vehicles.

This bill would authorize the plates to consist of 7 positions for all vehicles, including motorcycles.

(3) Existing law permits the department, if it is satisfied that the exemption is in order, to exempt vehicles owned by a duly recognized foreign government or by an official of such a government, with specified exceptions, from registration and license fees.

This bill would repeal that exemption.

Ch 753 (SB 248) Ayala. Public boards and commissions: compensation waivers.

Under the Legislators' Retirement Law, the retirement allowance of a retired legislator who served as a Member of the Legislature on or after 1967 is reduced by having that allowance based on a monthly salary of $500 if the retired legislator is serving in a salaried public office.

This bill would authorize such a retired legislator who is serving on a public board or commission and is entitled to receive therefor either per diem compensation and expenses or compensation and expenses to waive the compensation and, if the compensation is waived, the required reduction would not be applicable.

The bill would take effect immediately as an urgency statute.

Ch. 754 (SB 275) Richardson. Crimes: Interstate jurisdiction.

(1) Existing law generally provides that a person is liable to punishment by the laws of this state for public offenses committed within the state's boundaries. Existing law also permits the arrest of a person in this state by a peace officer of another state on the ground that he or she has committed a felony in the other state and the peace officer has entered California in fresh pursuit.

This bill would provide for an interstate compact, to be effective when ratified by the

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law in Arizona The compact would provide for concurrent criminal jurisdiction of California and Arizona, with respect to crimes established in common between the 2 states, on the Colorado River and any lakes formed by it or a part of it which form a common boundary between the states

This bill would create a state-mandated local program by enlarging the geographical criminal jurisdiction of certain counties

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 755 (AB 903) Lancaster Hazardous waste haulers registration.

Existing law makes it unlawful for any person to carry on, or engage in, any business which transports hazardous waste, as defined, unless the person holds a valid registration issued by the State Department of Health Services. Presently, a registration fee of $50 is imposed and a registration is issued or renewed on an annual basis. The registration fee is deposited in the Hazardous Waste Control Account and existing provisions of the Health and Safety Code continuously appropriate the money in the account

Existing law requires an annual inspection by the Department of the California Highway Patrol of trucks, trailers, semitrailers, vacuum tanks, cargo tanks, and containers, as specified, used to transport hazardous waste on the highways The Department of the California Highway Patrol is authorized to establish a fee for this inspection and the State Department of Health Services is required to collect the inspection fee at the same time as the registration fee is paid for the business of transporting hazardous waste

This bill would increase the annual registration fee to $200 and would make the fee payable at the time the application for registration or renewal of registration is submitted Because this bill would increase the amount of money in the Hazardous Waste Control Account, it would make an appropriaton

The bill would authorize the State Department of Health Services to issue and renew the registration for the business of transporting hazardous waste on a 2-year basis and would require the department to collect the inspection fee at the time the application for vehicle or container inspection is submitted The bill would also require a person whose registration has expired for a period of more than 90 days to be considered an applicant for an original registration when the person applies for registration

The bill would make conforming changes

Ch 756 (AB 991) Klehs Health facility reports

(1) Existing law requires every organization which operates, conducts, or maintains a health facility to make and file with the Office of Statewide Health Planning and Development specified reports concerning assets, liabilities, income, and expenses This law exempts hospitals authorized as a group, as specified, from reporting patient revenue by each revenue center.

This bill would require every organization which operates, conducts, or maintains a health facility to include additional information within one of the reports which it is required to file with the office for each separately licensed health facility operated, conducted, or maintained by the reporting information. To the extent this requirement would be applicable to health facilities of local public agencies, the bill would impose a state-mandated local program The bill would also exempt from the requirement that organizations make this report, those hospitals authorized to report as a group pursuant to specified provisions and would also permit these hospitals to provide, on a group basis, additional information contained in the quarterly summary financial and utilization data, which is required to be furnished to the office

The bill would permit hospitals authorized under existing law to report as a group to elect to file cost data reports required under the regulations of the Social Security Administration in its administration of particular revisions of the federal Social Security Act, in lieu of any comparable cost data required under specified provisions of state law, except that it would require that to the extent that cost data is required from other hospitals, that cost data be reported for each individual institution.

(2) This bill would incorporate the changes to Sections 443 31 and 443.32 of the Health

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and Safety Code proposed by AB 2011, which will only become operative if both bills are enacted and this bill is enacted last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 757 (AB 1214) Frizzelle Mental health

Existing law requires the State Department of Mental Health, among other things, to develop guidelines to assist counties in implementing the requirements of a case management system and requires that the guidelines allow flexibility to design a system specific to the nature of the community and the needs of the clients.

This bill would also require that the guidelines provide criteria for the clinical assessment of placement needs of clients to be placed in state hospitals or local mental health treatment facilities, and for county monitoring of these needs at regular intervals.

Ch. 758 (AB 1241) Konnyu Water systems

(1) Under existing laws relating to public water systems providing piped water to the public for human consumption, extensive regulations are provided for under the general supervision of the State Department of Health Services.

This bill would generally revise the laws relating to these water systems by specifying the department's powers and duties under the act with more detail, by providing for hearings by the department on violations, by specifying more rules for compliance, and by specifying additional misdemeanors and creating felonies for subsequent violations All new rules for compliance applied to water systems operated by entities of local government and all new misdemeanors constitute state-mandated local programs.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 759 (AB 1255) Campbell School districts deferred maintenance.

Existing law permits the State Allocation Board to reserve up to 5% of the funds transferred to the State School Deferred Maintenance Fund for increasing the apportionments to school districts with more than 2,500 average daily attendance in the prior fiscal year in instances of extreme hardship The State Allocation Board is required to determine that certain conditions of extreme hardship exist in the district, and the district is required to repay the increased apportionment by reducing apportionments in future years

Existing law also requires the State Allocation Board to reserve 5% of the funds transferred to the State School Deferred Maintenance Fund for increasing the apportionments to school districts in instances of extreme hardship, if the district had less than 2,501 average daily attendance. The State Allocation Board is required to determine that certain conditions of extreme hardship exist in the district, and is authorized to require a contribution by the district The board is authorized to waive repayment by the district when specified conditions of extreme hardship are found to exist or to reduce apportionments in future years to offset the increased apportionment.

This bill would permit the State Allocation Board to reserve up to 10% of the funds transferred to the State School Deferred Maintenance Fund for increasing the apportionments to all school districts in instances of extreme hardship However, not less than

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¼ of the funds shall be apportioned to school districts that had an average daily attendance, excluding summer session attendance, of less than 2,501 during the prior fiscal year. It would permit the board to waive the repayment in whole or in part regardless of the apportionment date, and would require the board to develop and adopt specified regulations which may give consideration to a school district's financial resources, ongoing deferred maintenance needs, and the nature of the project for which the hardship apportionment is requested

Ch 760 (AB 1291) Jones. Absent voter ballots. request forms.

Existing law prescribes the requirements applicable to a printed application for requesting absent voter ballots, but does not require the use of a uniform application format.

This bill would require the Secretary of State to prepare and distribute to appropriate elections officials a uniform printed application for requesting absent voter ballots which conforms to statutory requirements and which shall be followed by individuals, organizations, and groups who distribute applications for absent voter ballots

Ch 761 (AB 1297) Killea Drinking water.

(1) Under existing law, when any of various events occur in violation of laws and regulations relating to drinking water, the person operating the public water system is required to notify the State Department of Health Services and water users

This bill would require that, whenever a school or school system, the owner or operator of residential rental property, or the owner or operator of a business property receives a notification from a person operating a public water system, the school or school system notify school employees, students and parents if the students are minors, the owner or operator of a residential rental property shall notify tenants, and the owner or operator of business property shall notify employees of businesses located on the property. The new notification requirements would constitute state-mandated local programs as applied to local government and school districts

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 762 (AB 1389) Lancaster. Banks.

(1) Under existing law, a bank may not change its name without the approval of the Superintendent of Banks, and there is an application fee of $500.

This bill would require instead that banks report name changes to the superintendent 30 days in advance and pay $25 for each replacement certificate

(2) Under existing law, the superintendent is prohibited from approving a new name for a bank or trust company if the name so closely resembles the name of another bank or trust company in this state as to be likely to cause confusion

This bill would, instead, prohibit the superintendent from denying an application for a change of name of a bank on that basis

(3) Existing statutory provisions do not expressly provide a procedure for redesignation of a branch office of a bank as its head office and redesignation of its head office as a branch office.

This bill would establish such a procedure and would require payment of a $25 fee to the superintendent for each new certificate issued.

(4) Under existing law, an applicant for authority to organize a bank or trust company may take up to 6 months after approval of its application for authority to organize before submitting evidence to the superintendent of incorporation and organization However, the superintendent may grant extensions, as specified.

This bill would extend the initial period described above from 6 months to one year.

(5) Existing law specifies different classes of offices that foreign banks may be authorized by the superintendent to maintain in this state

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This bill would specify how changes from one class of office to another office class is to be treated for purposes of existing law

(6) Since new fees established by the bill would be deposited in the State Banking Fund, which is continuously appropriated to the State Banking Department, this bill would constitute an appropriation

Ch. 763 (AB 1403) McClintock. Consumer protection: mobilehomes; manufactured housing, commercial coaches, recreational vehicles

Under existing law, mobilehomes and manufactured homes, as defined, are subject to specified warranty standards which place specific obligations upon the buyer, manufacturer, and dealer with regard to the warranty Among other things, a buyer is required to give written notice of defects to the manufacturer or dealer

This bill would further define the materials and workmanship standards as well as the systems covered by the warranty and require manufacturers and dealers to keep records, as specified.

The bill would also provide that if a manufacturer or dealer fails to eliminate a substantial defect through corrective action, then the material, system, appliance, or component would be required to be replaced in kind, as defined.

Existing law specifies various violations relating to licensing or titling and registration and further specifies that after notice and a hearing the Department of Housing and Community Development may suspend or revoke a guilty dealer's license

This bill would authorize the department in the above hearing to seek and recover investigative and enforcement costs unless the license prevails and would also authorize the department to seek fines and restitution, as specified

Under existing law, a violation of specified provisions relating to the sale of mobilehomes and manufactured homes is a misdemeanor.

This bill would make those provisions applicable to a special purpose commercial coach, commercial coach, and recreational vehicle, and would create new crimes.

Because a violation of provisions of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 764 (AB 1141) Stirling. Corporations

Existing law provides that if the purpose of an amendment to the articles of a corporation is to effect a stock split or reverse stock split or is to reclassify, cancel, exchange or otherwise change outstanding shares, the amended articles shall state the effect on outstanding shares.

This bill would provide that if an amendment to change the statement of authorized shares from a single class to 2 classes is made, the outstanding shares are considered to be the same number of shares of common stock unless there is a statement of the effect of the amendment on outstanding shares, as specified It would also provide that an amendment affecting stated par value is not subject to the requirement of a statement of the effect on outstanding shares.

Existing law requires a foreign corporation, as a condition of transacting intrastate business, to file a statement setting forth its name, the addresses of its principal executive office and office within the state, the name of its agent for service of process, and related data. If that information changes, it is required to file an amended statement Existing law also requires a foreign corporation to annually file an officers' certificate setting forth specified data unless the corporation has outstanding securities listed on a national exchange or if all of its voting shares are owned by the corporation

This bill would require every foreign corporation qualified to transact intrastate business to file an annual statement setting forth the names and addresses of certain officers, the address of its principal executive office and office within the state, the name of its agent for service of process, and related data The changes indicated on the annual statement would supersede a previously filed statement The annual statement would also indicate whether the foreign corporation is exempt from filing an officers' certifi-

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cate.

The bill would also provide that insurers and nonprofit corporations, as specified, are exempt from filing an officers' certificate. It would provide that the officer's certificate is a certificate signed and verified by any one of specified officers.

The bill would provide for the forfeiture of the exercise of the corporate powers, rights, and privileges for the failure to file the annual statement, but would specify that the forfeiture does not prohibit an application for tax exempt status and does not prohibit the transaction of business if a certificate of qualification is not required.

Existing law sets forth provisions applicable to corporations existing on January 1, 1977, that, among other things, provide that the provisions of the General Corporations Law, that became operative on that date, relating to the contents of the articles of incorporation, are not applicable until certain amendments of the articles.

This bill would provide that the absence of any reference to par value in the articles of a corporation that is subject to the prior law is equivalent to a statement that the shares are without par value.

The bill would become operative on July 1, 1986, except for those provisions relating to a change of outstanding shares, and to articles subject to prior law, which would become operative on January 1, 1986.

Ch. 765 (AB 545) Johnson Law enforcement: dogs.

Existing law specifies felony and misdemeanor punishments for various conduct relative to the willful harming of, or interfering with, or obstructing, a horse used by a peace officer discharging or attempting to discharge his or her duties, or resulting in great bodily injury to any person

This bill would narrow the scope of the prohibitive conduct by requiring the conduct to be willful and malicious and with no legal justification. It would also include as prohibitive conduct the willful and malicious, and, with no legal justification, harming of, or interfering with, or obstructing of, a dog under the supervision of a peace officer discharging or attempting to discharge his or her duties, thus creating a state-mandated local program The bill would also require the defendant in these cases to make restitution for certain costs to the agency owning the animal and employing the peace officer.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 766 (SB 632) Petris State building construction.

Under existing law, the revenues, rentals, or receipts from all public buildings authorized under the State Building Construction Act of 1955 at any one session of the Legislature, after deducting the cost of maintaining such public buildings, are pledged to the payment of the principal of, and interest on, the certificates or revenue bonds issued to finance the construction of all such public buildings. It also requires that the certificates or revenue bonds issued to finance the public buildings authorized at one session are to be equally secured by a lien upon the revenues, rentals, or receipts pledged to secure them without priority for number, date of certificates or revenue bonds, of sale, of execution, or of delivery pursuant to that act.

This bill would repeal those provisions

Existing law authorizes the State Public Works Board to finance the construction of high technology educational and research facilities and facilities for library and related educational purposes on sites within the University of California, the California State University, the California Maritime Academy, and community college districts, and the construction of other research facilities on sites within the University of California. It provides that no certificates, revenue bonds, notes, or anticipation notes shall be issued, and no construction or renovation and the equipping for any public building or facility shall be commenced or purchased, unless the Legislature, by statute, authorizes the total amount of certificates, revenue bonds, notes, or anticipation notes that may be issued to finance that public building or facility and expressly approves the construction thereof

This bill would, instead, prohibit that action unless the Legislature, by statute, author-

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izes the total amount of certificates, revenue bonds, notes, or anticipation notes that may be used to finance the construction of that public building or facility.

Under existing law, the bonds issued to finance the construction of a public building or buildings pursuant to the State Building Construction Act of 1955 are required to be special obligations of this state secured solely by the revenues, rentals, or receipts received from the operation of all public buildings authorized at any one session of the Legislature financed by those bonds.

This bill would, instead, require those bonds to be special obligations of this state secured solely by the revenues, rentals, or receipts received from the operation of the public building or buildings financed by those bonds

This bill would take effect immediately as an urgency statute.

Ch 767 (SB 1251) Roberti Acquired Immune Deficiency Syndrome.

Existing law provides for the composition of an AIDS Advisory Committee, as specified, for the advancement of knowledge about Acquired Immune Deficiency Syndrome, and provides for research, education, and workshop grants, as specified. Existing law requires the State Department of Health Services to establish an antibody testing program at alternative sites in designated counties Existing law also requires the state department to administer an AIDS antibody testing program in blood banks and plasma centers

This bill would require the State Department of Health Services to issue contracts to evaluate the effectiveness of the AIDS information and education program conducted by the department, for development and implementation of pilot programs for professional education and learning, for development and implementation of pilot detoxification and treatment programs for intravenous drug users, as specified, and for a specified prospective 2-year study concerning medical costs of AIDS. It would require the department to develop and maintain certain information to provide specified public information It would require pilot projects to demonstrate the cost effectiveness of home health, attendant or hospice care to be initiated through a block grant program, as specified.

It would require the State Department of Mental Health to establish a specified mental health project

It would additionally authorize the expenditure of funds appropriated by Section 6 of Chapter 23 of the Statutes of 1985 for the reimbursement of counties establishing alternative testing sites, for preventive education for individuals who are seropositive as a result of antibody testing, thereby making an appropriation.

It would appropriate $2,300,000 to the University of California for specified AIDS research. It would appropriate $600,000 to the State Department of Mental Health for the AIDS mental health project, as described.

It would appropriate $2,060,000 to the State Department of Health Services for specified purposes

The bill would take effect immediately as an urgency statute.

Ch 768 (AB 105) W. Brown Nonprofit corporations: sports.

Existing law provides that a nonprofit public benefit corporation has the powers of a natural person, including certain specified powers

This bill would provide that if the corporation is a qualified amateur sports organization, as defined, its powers include the power to provide athletic facilities and equipment and to pay for services rendered by volunteers in connection with the staging of national or international amateur sports competition These provisions would be repealed on January 1, 1996 The bill also would state the intent of the Legislature.

This bill would take effect immediately as an urgency statute.

Ch. 769 (AB 744) Bane. Barbers. licensing fees.

Existing law authorizes the Board of Barber Examiners to impose various fees and also provides that no raise in fees for any one category of fees imposed by the board in any given year shall exceed 150% of the Consumer Price Index increase for the previous year up to and not to exceed the maximum amount allowable for fees for any purpose relating to barbering

This bill would eliminate the restriction that the raising of fees in any one category not exceed 150% of the Consumer Price Index increase from the previous year and

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instead would provide that no raise in fees in any one category of fees in any given biennial period shall exceed $5, with specified exceptions.

Ch. 770 (AB 692) Lancaster. Department of Insurance: funding.

Existing law provides for the imposition of various licensure and other fees by the Department of Insurance

This bill would increase those fee amounts, as specified.

Existing law authorizes the Insurance Commissioner to institute year-round licensing of production agency licenses whenever the commissioner determines that a year-round licensing system will be practical and feasible.

This bill would require the commissioner to institute year-round licensing beginning with 1986 license renewals It would also make various other changes with respect to licensing, as specified.

Existing law requires all moneys received by the Insurance Commissioner as fees and reimbursements to be deposited in the State Treasury to the credit of the Insurance Fund. Any moneys in excess of the authorized budget for the Department of Insurance revert to the General Fund. These and related provisions would be repealed on July 1, 1986, at which time other provisions of law would become effective which would provide a different scheme of funding for the Department of Insurance.

This bill would extend the scheduled July 1, 1986, termination date to July 1, 1989, as respects the above provisions and would provide that those provisions scheduled to become effective on July 1, 1986, instead become effective July 1, 1989 It would also delete provisions requiring the balance in the Insurance Fund remaining at fiscal year end to be carried forward only to the extent necessary to cover expenditures and cash flow needs as authorized by the Budget Act, and would delete provisions for any moneys in excess of the authorized budget to automatically revert to the General Fund

Existing law authorizes the commissioner to increase or decrease fees charged by the department in accordance with the Gross National Product Implicit Price Deflator for the immediately preceding calendar year The commissioner is not authorized, prior to July 1, 1986, to increase any statutory fee by an amount greater than 30% of that in effect on June 30, 1983

This bill would make that authorization applicable with respect to the greater of the amount necessary to provide sufficient moneys to meet the appropriations contained in the Governor's Budget for the next succeeding fiscal year, or the Gross National Product Implicit Price Deflator for the most recent 12-month period preceding the increase or decrease It would also delete those statutory fee increase limitations Specified provisions of the bill would become operative on July 1, 1986

Existing provisions of the Insurance Code continuously appropriate the moneys in the Insurance Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

Ch. 771 (AB 1413) Condit Irrigation districts.

(1) Under the Irrigation District Law, directors of irrigation districts are required to execute a bond in the sum of $5,000 in accordance with prescribed procedures

This bill would delete that requirement.

(2) Under that law, the board of directors of an irrigation district is required, on or before its regular monthly meeting in March, to render and immediately publish, as prescribed, a verified statement of the financial condition of the district.

This bill would change the date of preparation to the regular meeting in the fourth month of its fiscal year and would require notification that the statement is available for inspection and review, rather than require publication of the statement itself.

(3) Under that law, costs in the sum of $1 per separately assessed parcel, in addition to the assessments due and penalties, are required to be collected for processing delinquent irrigation district assessments, and the penalty required to be paid for redemption of property sold for delinquent assessments is computed at ¾ of 1% per month.

This bill would increase the fee for costs to $5 on each separately assessed parcel and would revise the penalty to an amount based on a specified annual adjusted rate established by the Franchise Tax Board The bill would similarly revise the rate of interest on certain delinquent payments of matured bonds or interest coupons.

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Ch. 772 (SB 362) Carpenter Cal Grant awards.

Existing law authorizes the utilization of Cal Grant awards for tuition and student fees at any California postsecondary educational institution or program that participates in 2 of the 3 federal campus-based student aid programs and whose students participate in the Pell Grant Program

This bill would direct the California Postsecondary Commission, in cooperation with the Student Aid Commission, to report to the Legislature no later than July 1, 1986, regarding alternative criteria that would additionally permit the utilization of Cal Grant awards at specified private postsecondary institutions and accredited law schools, as specified

This bill would also require the Committee of Bar Examiners of the State Bar of California to report to the Legislature no later than June 1, 1986, regarding its efforts to attain approval by the federal Secretary of Education as a nationally recognized accrediting agency or association.

Ch. 773 (SB 200) Beverly. Los Angeles County Transportation Commission.

(1) Under existing law, the Los Angeles County Transportation Commission is authorized to plan, design, and construct an exclusive public mass transit guideway system, and the construction of that system by the commission is subject to the State Contract Act

This bill would impose a state-mandated local program by requiring the commission to conform to specific bidding requirements for construction and procurement contracts and would specify various exemptions from those requirements. The bill would also authorize the commission to develop an equal opportunity program comparable to federal equal opportunity requirements for its activities and contracts not subject to those federal requirements

(2) Under existing law, the commission has the power of eminent domain with respect to the construction of an exclusive public mass transit guideway system.

This bill would grant that power to the commission with respect to its activities under the County Transportation Commissions Act, and would require the commission to give specified notice to a city or a county when exercising that power within the city or county.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 774 (AB 849) Duffy Medi-Cal X-ray services.

Existing law provides for the Medi-Cal program, under which various services, including laboratory services, are provided to qualified low-income persons.

Existing law provides that, prior to July 1, 1985, utilization controls adopted by the State Department of Health Services shall not include a requirement for prior authorization from the department, in order to provide portable X-ray services provided in skilled nursing or intermediate care facilities

This bill would continue until July 1, 1987, the prohibition against a prior authorization requirement for the provision of portable X-ray services provided in skilled nursing or intermediate care facilities.

The bill would take effect immediately as an urgency statute

Ch. 775 (AB 745) Klehs Political Reform Act: reports.

Under the Political Reform Act of 1974, all reports and statements filed are required to be signed under penalty of perjury and verified by the filer, or by an agent, as specified.

This bill would provide that, in the case of reports filed by a committee which receives contributions totaling $500 or more in a fiscal year, they shall be signed and verified by the treasurer of the committee. Reports or statements filed by any other person shall be signed and verified by the filer, or if the filer is an entity, by a responsible officer or by an attorney or certified public accountant acting as agent for the entity.

Under the Political Reform Act, no conflict-of-interest code shall be effective until it has been approved by the code reviewing body Among others, the act specifies that the Supreme Court, the court of appeal, the superior court, and the municipal court, shall

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be the code reviewing bodies for the agencies of the judicial branch of government subject to the immediate supervision of that court, respectively

This bill would impose a state-mandated local program by providing that the justice court shall be the code reviewing body for the agencies of the judicial branch of government subject to its immediate supervision

Under the Political Reform Act, the cost of payments, filing fees, and the statement of qualification are not to be included in calculating the $500 amount if these payments are made from the candidate's personal funds

This bill would provide that these payments are expenditures which must be reported if a campaign statement is required

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 776 (AB 812) Johnston Medi-Cal.

Existing law provides that payment of a provider of health care services under the Medi-Cal program constitutes payment in full, and the provider is prohibited from seeking reimbursement for the covered services from the recipient or any person other than the State Department of Health Services or a 3rd-party payer who provides a contractual or legal entitlement to health care services

This bill would provide that a provider may recover unpaid charges to the extent that any 3rd-party is obligated to pay the charges by reason of the beneficiary's other contractual or legal entitlement

This bill would also provide that under the above-specified circumstances and subject to the prior right of recovery of the State Director of Health Services, a provider who has rendered services to a beneficiary because of an injury for which a 3rd-party is liable, and who has received payment under the Medi-Cal program which did not cover the full amount of the provider's charges for the services, shall be entitled to a lien for the unpaid charges against any judgment, award, or settlement obtained by the beneficiary or the director against the 3rd-party.

This bill would also direct the department to obtain any necessary federal waivers to implement this bill

This bill would permit the director to contract with a collection agency, financial institution, or other appropriate firm to perfect claims and carry out other duties in connection with perfecting claims

Ch 777 (AB 1418) Hayden. Postsecondary education.

(1) Under existing law, there are no provisions requiring the University of California and the California State University to submit a report on anticipated needs of these systems in the areas of educational research and instruction through the year 2000.

This bill would request the Regents of the University of California, and would require the Trustees of the California State University, to develop an academic and budgetary plan for each campus operating programs in teacher education, continuing education, graduate professional and academic education, and educational research through the year 2000 including, among other things, projected faculty and student needs for each program and department, plans for the recruitment of faculty and students for areas where there is a current or projected need, plans to increase the representation of underrepresented groups, and plans for improving and developing research through the year 2000 The bill also would request the Regents of the University of California and the Trustees of the California State University to convene a group to oversee the development of these plans. This bill would require this group to be responsible for developing recommendations about the relative roles and responsibilities of the 2 systems in teacher and administrator education and educational research in the state, and for defining common data elements and planning assumptions so that the information

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obtained by the 2 systems is reasonably compatible

This bill would require this report to be submitted to the Governor and the Legislature by September 30, 1986, and would require the report to be submitted to the Department of Finance, the Joint Legislative Budget Committee, the California Postsecondary Education Commission, and the Commission on Teacher Credentialing for their review and comment prior to the final submission of the report

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

Ch 778 (SB 896) Campbell. Public liability

Existing law requires the certification of the Director of Finance that a sufficient appropriation exists prior to the settlement and payment of certain claims or judgments against the state

This bill would permit the payment of claims arising out of the activities of the State Department of Transportation if certified by either the Director of Finance or the Director of Transportation and would make related changes.

Ch. 779 (AB 631) Leonard. Anatomical donations. identifying donors.

(1) Existing law does not require each general acute care hospital to develop a protocol for identifying potential organ donors

This bill would require each general acute care hospital, as defined under existing law, to develop a protocol for identifying potential organ and tissue donors in a specified manner and to notify an organ and tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts, as specified. To the extent this requirement would apply to publicly operated general acute care hospitals it would impose a state-mandated local program The bill would provide that laws pertaining to notification of a coroner shall be complied with in all cases of reportable deaths.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 780 (SB 1393) Deddeh. Bail.

Existing law makes it a misdemeanor for a person charged with a felony and released on bail to fail to appear

This bill would make the above offense a felony A person convicted of this offense would be punishable by a fine of $10,000, or by imprisonment in the state prison, by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment.

To the extent that the bill would extend the amount of time to one year that a person convicted of the above may be imprisoned in county jail, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 781 (AB 922) Costa. Vandalism.

Existing law defines acts of vandalism and makes them punishable by imprisonment in the county jail for not more than 6 months, by a fine not exceeding $1,000, or both, if the resultant defacement, damage, or destruction is less than $1,000. Existing law increases the maximum fine to $5,000 and maximum jail term to one year if the resultant defacement, damage, or destruction is $1,000 or more.

This bill would revise the penalties for vandalism resulting in $5,000 or more of defacement, damage, or destruction Under the bill, this offense would be punishable alternatively as a felony or misdemeanor The felony imprisonment would be for 16 months or 2 or 3 years in state prison and the misdemeanor imprisonment would be for a maximum of one year In addition to, or in lieu of, imprisonment, the court would be authorized by the bill to levy a fine not exceeding $10,000.

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Ch. 782 (AB 224) La Follette Crimes: sexual battery.

Under existing law, sexual battery is defined as the touching of an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and the touching is against the restrained person's will and for the purpose of sexual arousal, gratification, or abuse It is also a sexual battery to commit that touching on a person who is seriously disabled or medically incapacitated, and is institutionalized for medical treatment

This bill would also make it a sexual battery to cause another person, as specified, to masturbate or touch an intimate part of the perpetrator, that person, or a third person, thereby imposing a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

This bill also makes additional changes proposed by AB 344, to be operative only if AB 344 and this bill are both chaptered and become effective on January 1, 1986, and this bill is chaptered after AB 344

Ch 783 (AB 2059) Condit. Evidence.

Under existing law, the hearsay rule prohibits the introduction of evidence of a statement that was made other than by a witness while testifying at the hearing, and that is offered to prove the truth of the matter stated, unless the statement comes under a specific exception to the hearsay rule. Existing law makes specific exceptions to the hearsay rule for, among other things, the former testimony of a declarant who is currently unavailable as a witness, and certain dying declarations, as specified.

This bill would provide that evidence of a statement made by a declarant is not made inadmissible by the hearsay rule in serious felony cases, as defined, if, among other things, the declarant is unavailable as a witness, the statement was made under circumstances which indicate its trustworthiness, and the declarant's unavailability was caused by, aided by, or solicited by, the party against whom the statement is offered and is the result of the death by homicide or kidnapping of the witness, the statement was memorialized prior to the declarant's death or kidnapping, and there is no evidence that the unavailability of the witness was caused by, aided by, solicited by, or procured on behalf of the party who is offering the statement The bill would prescribe procedures for motions and hearings to determine the admissibility of that evidence

Existing law provides that a criminal defendant or the people may have witnesses examined conditionally, for specified reasons.

This bill would additionally authorize the conditional examination of prosecution witnesses by the people if the life of the witness is in jeopardy.

Ch. 784 (AB 1863) Wright Unemployment compensation benefit contributions.

Existing law provides that employer contributions are paid into the Unemployment Fund, and that the rate of employer contributions is determined by the ratio of the employer's balance in the Unemployment Fund, as compared to the employer's wages.

Existing law further provides that whenever the balance in the Unemployment Fund on December 31, of any calendar year is equal to or less than 1.0% and greater than 0 8% of the wages, as defined, the employer shall pay contributions into the Unemployment Fund for the succeeding calendar year upon all wages at a specified rate

This bill would also provide that the above-specified rate would apply whenever the balance in the Unemployment Fund is equal to 0.8% of wages

Ch. 785 (AB 1865) Floyd. Payment of wages.

Existing law provides that all employee wages, with specified exceptions, are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays, subject to additional specified requirements

This bill would, in addition, require that all wages earned for labor in excess of the normal work period be paid no later than the payday for the next regular payroll period.

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Ch 786 (AB 1884) Chacon. Sales and use taxation mobilehomes

The existing California Sales and Use Tax Law imposes a sales and use tax on 75% of the sales price of new mobilehomes to the retailer under specified conditions

This bill would provide that for purposes of this provision any retailer who is a licensed mobilehome dealer is a retailer-consumer regardless of whether or not it installs the mobilehome on a foundation system as an improvement to realty

The bill would take effect immediately as an urgency statute

Ch 787 (AB 1888) Agnos Medi-Cal.

Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons Chapter 11 of the Statutes of 1985 increased payment rates for certain long-term health care facilities providing Medi-Cal services, to be used to implement wage increases and benefit increases provided under the Medi-Cal program and for specified increases in staff and service hours for these facilities required by the chapter.

This bill permits the Labor Commissioner to recover any funds not used for these purposes, and requires recovered funds to be provided to underpaid employees. It also requires penalties collected to be forwarded to the Controller for deposit in the General Fund

This bill would also require long-term care facilities which receive funds for salary increases under the above-specified provisions, to maintain payroll and personnel records for examination by auditors from the State Department of Health Services and the Labor Commissioner commencing March 1, 1985, and ending upon the date the records have been audited or December 31, 1992, whichever date occurs first

This bill would also take effect immediately as an urgency statute

Ch 788 (AB 1678) Sher Land use Williamson Act contracts· nonrenewal

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) make various legislative findings and declarations regarding the public interest in the protection and preservation of agricultural land, including a legislative declaration regarding the public interest in the retention by local officials and landowners of agricultural lands under contract pursuant to the act in parcels large enough to sustain their agricultural use.

This bill would revise that declaration

Existing provisions of the act also permit the nonrenewal of a contract restricting the use of land upon the service of notice of nonrenewal by the landowner or the city or county no later than a specified time prior to the contract's renewal date

Existing provisions of the Subdivision Map Act preclude a legislative body from approving a tentative or parcel map relating to a proposed subdivision of land subject to a Williamson Act contract if the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use This prohibition does not apply if various circumstances have occurred, including the service by a landowner of a notice of nonrenewal of his or her Williamson Act contract.

This bill would restrict this exception to the prohibition by requiring that no more than 3 years be remaining on the Williamson Act contract following the landowner's service on or after March 7, 1985, of a notice of nonrenewal It would also permit a legislative body to approve a subdivision with parcels smaller than those specified if certain findings are made

Ch 789 (AB 1650) Konnyu Hazardous material transportation study

Existing law does not restrict the time during which or the highways over which hazardous material which is not hazardous waste may be transported

This bill would require the Department of the California Highway Patrol, in cooperation with the Department of Transportation and the State Department of Health Services, to investigate the public health and safety risks of transporting hazardous material over urban highways during commute hours, and would require the Department of the California Highway Patrol to report its findings and recommendations, including whether any restrictions are needed on that transportation during certain hours or in certain urban areas, by January 1, 1987, to the Legislature

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Ch. 790 (AB 1926) Floyd Community care facilities

Under the existing California Community Care Facilities Act, the State Department of Social Services licenses community care facilities, as defined.

This bill would include within the definition of community care facilities for the purposes of licensing, a social day care facility, as defined, serving functionally impaired adults. The bill would make the bill a state-mandated local program by requiring a social day care facility which may be a local agency facility to be subject to the general requirements on licensure It would also impose a state-mandated local program since violation of its requirements or willful or repeated violations of the regulations to which it would subject social day care facilities would be a misdemeanor

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 791 (SB 763) B. Greene Horseracing license bonds.

Existing law requires a person applying to the California Horse Racing Board for a license to conduct a race meeting to demonstrate that the applicant's liability for workers' compensation is secured

This bill would require an applicant, with a specified exception, to deposit with the board a security bond in the amount of $100,000, or a greater amount determined by the board, to ensure the payment of wages and benefits ~~and would cause the license to be suspended if the bond is terminated or withdrawn during the period of the license~~*

The bill would also impose these requirements on a person licensed to operate a racing theater if both [this bill and]* SB 590 ~~and SB 763~~* are enacted in the 1985–86 Regular Session.

Ch. 792 (SB 839) Deddeh Liability insurance

Existing law prohibits insurers issuing a private passenger automobile insurance policy from increasing the premium because the insured has been convicted of traffic violations while operating a vehicle for compensation during employment, except as specified.

This bill would limit that provision to individuals whose specific duties include driving their employer's motor vehicles or who are owners or operators of a motor vehicle operated as a highway carrier, as specified

Existing law sets forth definitions relating to provisions of law relating to liability insurance.

This bill would define "terms" for that purpose to include the provision of coverage, exclusions, restrictions, conditions, deductions, and limits

Existing law requires that motor vehicle liability insurers offer uninsured motorist bodily injury coverage. For that purpose, "insured" is defined as the named insured, spouse, relatives residing in the same household, and any other person while in or upon or entering or alighting from the vehicle

This bill would limit the above definition to named insureds who are individuals For other entities it would define "insured" to mean any person while in or upon or entering into or alighting from the vehicle.

Existing law relating to uninsured motorist coverage defined "insured motor vehicle" to include automobiles other than the identified vehicle if not owned by the named insured while being operated by the named insured, as specified.

This bill would include vehicles other than the identified vehicle if not owned or furnished for the regular use of the named insured while being operated by the named insured.

Existing law excludes from uninsured motorist coverage bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

This bill would define "motor vehicle" as used in that provision, as specified

Existing law authorizes the reduction of payment for uninsured motorist coverage by the amount the insured is entitled to recover from any other person insured under the

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underlying policy.

This bill would also authorize the reduction to include amounts tendered as advance payment, as specified.

Existing law provides for uninsured motorist property damage coverage

This bill would provide that if a vehicle is also insured for collision coverage, that coverage shall pay for the covered loss and the uninsured motorist property damage coverage shall only pay any deductible not covered by collision coverage, not to exceed $3,500.

Existing law provides that an advance or partial payment under a liability policy shall constitute a credit, but requires persons making those payments to notify the recipient of any statute of limitations

This bill would provide that notification is not required if the recipient is represented by an attorney.

Ch. 793 (AB 2128) Lewis. Local agency formation commissions

Existing law prescribes the powers of a local agency formation commission, and specifically excludes certain actions from a commission's powers Among other things, in approving a proposal to annex territory to a city, existing law prohibits a commission from imposing any conditions which would directly regulate land use.

This bill would, instead, prohibit a commission from imposing any conditions regulating land use density or intensity. In addition, the bill would prohibit a commission from imposing on an annexing local agency any condition with respect to the standards or frequency of maintenance of any existing road or street within the annexed territory, and would prohibit a commission from imposing a condition requiring a local agency to improve an existing public facility not owned by the local agency

Ch 794 (AB 2189) La Follette State civil service

Existing law establishes a state civil service system which, with limited exceptions, includes every officer and employee of the state While it is the responsibility of the State Personnel Board to adopt regulations to establish and maintain personnel standards on a merit basis, responsibility for all nonmerit related personnel matters have been transferred to the Department of Personnel Administration, pursuant to the Governor's Reorganization Plan No 1 of 1984

This bill would conform statutory provisions to reflect that reorganization of civil service system responsibilities and would make additional technical changes.

Ch. 795 (AB 456) Papan Special education. individualized education programs. individuals with exceptional needs

(1) Existing law prescribes the composition and duties of the Advisory Commission on Special Education Existing law requires the commission to study and provide assistance and advice to the State Board of Education in prescribed areas relating to special education Existing law requires commission recommendations or requests to be transmitted by letter from the commission chairperson to the President of the State Board of Education, as prescribed

This bill, in addition, would require the commission to provide assistance and advice to the Superintendent of Public Instruction, the Legislature, and the Governor

This bill also would require that commission recommendations or requests be transmitted by letter from the commission chairperson to the Superintendent of Public Instruction, the Governor, and appropriate Members of the Legislature.

(2) Existing law requires special education programs to be provided for individuals with exceptional needs who have been adjudicated by the juvenile court for placement in a juvenile hall or juvenile home, day center, ranch, or camp

This bill would also require special education programs to be provided to individuals with exceptional needs placed in a county community school, as specified

(3) Existing law defines the terms "licensed children's institution" and "foster family home," for purposes of certain provisions relating to individuals with exceptional needs placed in a licensed children's institution or foster family home

This bill would delete reference to a large ~~group~~ [family]* home as used in the definition of "licensed children's institution" and would correct an erroneous reference to specified provisions of administrative regulations defining those terms

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(4) Existing law requires special education services regions and county offices of education that submit local plans for the provision of special education programs and services to develop written agreements to be entered into by entities participating in the plan, as prescribed

This bill would require those agreements to include a description of the process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools, as specified

(5) Existing law requires school districts to offer special education programs to pupils with exceptional needs, as prescribed. Existing law requires that a meeting to review an individualized education program for these pupils pursuant to a parent's request be held within 30 days, not counting days in July and August, from the date of receipt of the parent's written request.

This bill would correct an erroneous statutory reference found in those provisions of existing law.

(6) Existing law does not provide for demonstration ~~projects~~ [programs]* for individuals with exceptional needs.

This bill would authorize any special education local plan area to submit an application to the State Department of Education to operate a demonstration ~~project~~ [program]* for individuals with exceptional needs, would prescribe requirements and goals for these demonstration ~~projects,~~ [programs,]* and would require the department to develop criteria for the demonstration ~~projects~~ [programs.]* It would require that the special education local plan area include the criteria in its demonstration program application.

(7) Existing law requires each school district, special education services region, or county office of education, as a condition for the receipt of state apportionments for special education programs, that operated early education programs for individuals with exceptional needs younger than 3 years of age, as defined, and that received state or federal aid for special education for those programs in the 1980–81 fiscal year, to continue to operate infant programs in the 1981–82 fiscal year and each fiscal year thereafter, as prescribed.

This bill would require that not less than $2,324,000 of the federal discretionary funds appropriated to the State Department of Education under federal law in any fiscal year shall be expended for programs for handicapped infants, until the time that the Legislature, pursuant to the recommendation of the department, determines that the funds are no longer needed for that purpose This bill would specify that programs funded under these provisions need not be deemed eligible under specified provisions of current law.

(8) Existing law requires the State Board of Education, by February 1, 1982, to report to the Legislature its findings and recommendations relating to improvement of career and vocational education programs for individuals with exceptional needs, as prescribed

This bill would repeal these provisions.

(9) Existing law requires the Superintendent of Public Instruction and the directors of specified state agencies to develop written interagency agreements which includes fiscal responsibilities for the provision of special education and related services to individuals with exceptional needs

Existing law specifies that if any state agency fails to provide services specified in a child's individualized education program, and that agency is required to provide those services pursuant to federal law, state law, interagency agreement, or any combination thereof, the agency and the reason for the lack of provision shall be identified jointly by the superintendent and the appropriate state agency, as prescribed.

This bill would repeal the latter requirement of current law.

(10) Existing law prescribes the requirements for the evaluation of special education programs

Existing law requires the State Department of Education to contract for an independent evaluation of special education programs to be conducted through January 31, 1982, and prescribes the minimum requirements for that evaluation.

This bill would repeal the provisions of current law relating to the contracting of that independent evaluation

Existing law requires the department to contract for a study to examine the process of identification of individuals with exceptional needs to determine the extent of misdiagnosis of individuals with perceptual problems resulting in placement of those individuals into classes, as prescribed

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This bill would repeal these provisions of current law.

Existing law requires the department, by March 15, 1981, to review existing data and research relating to provision of special education and related services to individuals with exceptional needs between the ages of 3 years and 4 years and 9 months, as prescribed.

This bill would repeal these provisions of current law.

Existing law requires the Legislative Analyst to submit a report to the Legislature annually in 1981, 1982, and 1983 relating to specified information.

This bill would repeal these provisions of current law.

(11) Existing law requires each county superintendent of schools to compute, in accordance with the requirements of existing law, instructional personnel services amounts for each school district and county office of education operating special education programs and services.

This bill would correct an erroneous reference to specified provisions of current law required to be computed in the computation of instructional personnel services amounts.

Existing law specifies that, notwithstanding specified provisions of current law, for the 1981–82 fiscal year special education services regions shall be eligible to receive state funding only for those instructional personnel services units that do not exceed a prescribed formula.

This bill would repeal these provisions of current law

(12) Existing law does not require that funds for regional services, as defined, be apportioned to the administrative agency of special education local plan areas.

This bill would require that funds for regionalized services be apportioned to the administrative agency of the special education local plan area, and would impose a state-mandated local program by requiring the administrative agency to ensure that specified functions are performed. It would also make the performance of the specified functions a condition for receiving the funds for regionalized services

(13) Existing law requires the Legislative Analyst to prepare, in consultation with the developmental disabilities area boards, a report to the Legislature, the Governor, and the Superintendent of Public Instruction by March 15, 1981, and annually each year thereafter until March 15, 1983, a report including specified information relating to special education programs for individuals with exceptional needs residing in state hospitals, as prescribed.

This bill would repeal these provisions of current law.

(14) Under existing law, the Legislature is required to conduct a comprehensive study of certain educational programs. These programs, as currently maintained, terminate on various specified dates, unless the Legislature enacts legislation providing otherwise. Special education is one of the educational programs subject to review and is scheduled to terminate June 30, 1987.

Existing law also requires that temporary advisory committees be established for a specified period of time, and that each committee study and report on the educational programs which terminate on a particular date.

This bill would provide that no temporary advisory committee shall be established to study and report on special education, and would, instead, designate the Advisory Commission on Special Education to perform those duties. These provisions would be repealed January 1, 1987.

(15) This bill would make other technical, nonsubstantive amendments

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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Ch. 796 (AB 643) Cortese. Real property subdivisions: merger

(1) Existing law relating to the merger of parcels of real property requires cities and counties to mail a notice to the then current record owner of the property notifying the owner that the city or county intends to determine whether certain parcels of real property are to be merged or not to be merged Existing law permits the owner of the affected property to file a request for a hearing by the city or county on the determination of the status of the property and requires the city or county to conduct the hearing not less than 30 days after the receipt of the request from the property owner for that hearing

This bill would, instead, require the city or county to conduct that hearing not more than 60 days after the receipt of the request from the property owner for that hearing. That requirement would impose a state-mandated local program because the city or county would be required to conduct the hearing sooner than is required under existing law.

(2) Existing law requires a city or county, no later than January 1, 1986, to record a notice of merger for any parcels which merged prior to January 1, 1984, and provides that after January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless a notice of merger has been recorded.

This bill would extend until January 1, 1988, the requirement for recording a notice of merger and merging certain agricultural land, timberland, and land in other specified categories, if specified conditions exist with respect to those parcels. As to any parcels subject to such merger, the bill would require the city or county to send a specified notice to the property owner by January 1, 1987

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no appropriation is made by this act but would recognize that local agencies and school districts may pursue specified remedies to seek reimbursement.

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

Ch 797 (AB 457) Papan. Registration fees California Highway Patrol

Existing law until December 31, 1985, requires the payment of an additional $1 registration fee for motor vehicles, except those exempted under law, and requires the deposit of those fees in the California Highway Patrol Law Enforcement Account in the State Transportation Fund until June 1, 1986.

This bill would make a statement of Legislative intent and would extend the requirement for the payment of the additional $1 registration fee for motor vehicles until January 1, 1991, and thus would impose a tax for purposes of Article XIII A of the California Constitution The bill would require that these fees be deposited in the Motor Vehicle Account in the State Transportation Fund, to be available upon appropriation, to maintain, rather than increase, the uniformed field strength of the California Highway Patrol.

Ch 798 (AB 45) Papan Democratic primary ballot

Existing law specifies the format for the printing of the Democratic presidential primary portion of the direct primary ballot.

This bill would require that presidential primary portion of the ballot to be printed immediately after the listing of all candidates seeking the nomination for elected federal and state office and prior to the listing of candidates for county central committee membership It would make this provision applicable only if the names of delegate candidates to the Democratic National Convention appear on the ballot.

Ch. 799 (AB 1958) N. Waters. Motorized bicycles: mopeds

(1) Under existing law, motorized bicycles, as defined, are subject to various operating, licensing, and regulatory provisions. An existing provision of law makes a violation of any of these provisions an infraction

This bill would include a moped within the definition of a motorized bicycle for purposes of the Vehicle Code, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 800 (AB 1960) N Waters. Geothermal revenues.

Under existing law, geothermal revenues deposited in the Geothermal Resources Development Account in the General Fund are continuously appropriated for specified purposes. The Controller is required to disburse 40% of these geothermal revenues to the county of origin, and the State Energy Resources Conservation and Development Commission is authorized to expend 30% of these geothermal revenues to provide grants or loans to local jurisdictions. Revenues disbursed to counties of origin and grants or loans made to local jurisdictions are required to be expended for specified purposes

This bill would authorize the revenues disbursed to counties of origin to also be expended for repair and maintenance of capital assets, including roads, bridges, aviation facilities, buildings, and parking areas, thereby making an appropriation

The bill would also make additional clarifying changes.

Ch 801 (AB 2108) Stirling. Utility services: theft

(1) Under existing law, the theft of electricity, gas, or water is a misdemeanor.

This bill would delete these provisions and instead declare that a person is guilty of a misdemeanor who, with intent to obtain utility services without paying therefor, with intent to enable another person to do so, or with intent to deprive any public utility of its charges for utility services commits, authorizes, solicits, aids, or abets the diversion of utility services, tampers with a utility meter or other utility property, makes unauthorized connections with utility services, or uses utility services with reason to believe that tampering or an unauthorized connection exists or that the use is otherwise without authorization

The bill would specify that the use or possession of a device designed to obtain utility services without paying for them, or an altered, tampered, or bypassed meter, permits an inference of an intent to violate these provisions

The bill would provide that if the value of utility services unlawfully obtained exceeds $400, or for a second or subsequent conviction of violating these provisions or any other law of this or any other state or of the United States, the punishment is imprisonment in the county jail for not more than one year, or in the state prison.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would, by revising what constitutes the theft of electricity, gas, or water and the penalties therefor, create a new crime, thereby imposing a state-mandated local program. The bill would, however, provide that no reimbursement is required by this act for a specified reason

Ch 802 (AB 2299) McClintock School property: right of first refusal on sale of surplus real property.

Existing law requires the governing boards of school districts seeking to sell surplus property of the district to observe specified procedures and priorities in that respect, including the requirement that the property first be offered for sale for specified public purposes

This bill would provide that, notwithstanding these requirements, unimproved real property acquired by a school district by condemnation that the governing board deems to be surplus property of the district may not be sold within 20 years of its acquisition by the district unless it has first been offered for sale, as specified, to the person or entity that owned the property when it was acquired by the district. The bill would thereby impose a state-mandated local program.

This bill would specify that the failure to comply with existing statutes governing the sale of school sites would not invalidate a sale or transfer to a purchaser or encumbrancer for value

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish proce-

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dures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

This bill would take effect immediately as an urgency statute

Ch 803 (SB 364) Dills. Alcoholic beverages sales

(1) Existing law, which will be repealed by its own terms on January 1, 1986, provides that no person having a license to sell alcoholic beverages shall, directly or indirectly, give any premium, gift, or free goods in connection with the sale or distribution of any alcoholic beverage except as provided by rules adopted by the Department of Alcoholic Beverage Control, which rules may not permit a licensee to give any premium, gift, or free goods of greater than inconsequential value in connection with the sale or distribution of beer.

This bill would delete the repealer, thus extending the provisions indefinitely

(2) Existing law prohibits the use of distilled spirits in any advertisement which encourages minors or immature persons to drink the distilled spirits

This bill would revise that prohibition, operative July 1, 1986, to delete the reference to immature persons and to make it apply to all alcoholic beverages

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

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 804 (SB 573) Petris County Employees Retirement Law of 1937 benefits

The existing County Employees Retirement Law of 1937 (a) requires, as to any member who was, on March 7, 1973, a member, and remains in membership continuously until credited with 30 years of service credit, discontinuance of member contributions, and (b) for purposes of item (a), defines, in a section which would apply only upon approval of the board of supervisors, as specified, and which self-repeals on January 1, 1988, "service" as including service before or after March 7, 1973, with specified public agencies

This bill would require discontinuance of member contributions by any member who was a member before or after March 7, 1973, and has total reciprocal service credit of not less than 30 years in the retirement association, or in the retirement association and another county retirement system established under the County Employees Retirement Law, or the Public Employees' Retirement System or a combination thereof. This bill would apply only in a county of the 4th class and only if it is adopted by the county board of supervisors This new authorization would impose state-reimbursable state-mandated local negotiating costs, since its exercise would be subject to negotiation under existing law relating to local employer-employee relations

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

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Ch 805 (AB 1137) Isenberg Health professionals clinical laboratory and limited technologists examination for licensure

Existing law provides that, with specified exceptions, no clinical laboratory or limited technologist license shall be issued by the State Department of Health Services except after examination

This bill would provide that an applicant who fails the examination 2 times shall not be eligible to be reexamined a 3rd time until at least one year has elapsed from the date of the 2nd examination and shall not be eligible to be reexamined a 4th or subsequent time until at least 2 years have elapsed from the date of the 3rd or subsequent examination

Ch 806 (SB 215) Rosenthal Charter-party carriers of passengers· sightseeing tour services and violations

(1) Under existing law, charter-party carriers of passengers are subject to the jurisdiction and control of the Public Utilities Commission pursuant to the Passenger Charter-Party Carriers' Act Charter-party carriers are required to hold either a certificate of public convenience and necessity or a permit issued by the commission, depending upon the type of operations authorized

This bill would specifically require the commission to issue a permit to a charter-party carrier, otherwise qualified, whose operations consist of round-trip sightseeing tour services.

(2) Existing law provides both civil and criminal penalties for specified violations of the act or an order or decision of the commission by charter-party carriers and by corporations and persons other than charter-party carriers

This bill would make it a misdemeanor for any corporation or person to willfully and knowingly advertise by any oral or written means that the corporation or person is in operation as a charter-party carrier of passengers when it has no valid certificate or permit issued under the act in effect The bill would specify a punishment of a fine of not more than $1,000 or imprisonment for not more than 6 months, or both, for a violation by an individual, and a fine of not more than $5,000 for a violation by a corporation

(3) Under existing law, a charter-party carrier of passengers is required to display an identifying symbol in the form prescribed by the commission on the vehicle

This bill would require the charter-party carrier to specify the number of its permit or identifying symbol whenever it advertises its services, as specified

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would, by creating a new crime, impose a state-mandated local program The bill would, however, provide that no reimbursement is required by this act for a specified reason

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

Ch. 807 (AB 1666) Hauser Geothermal powerplant development

The Warren-Alquist State Energy Resources Conservation and Development Act provides for site certification of geothermal powerplants by the State Energy Resources Conservation and Development Commission

This bill would require the commission to include, in its written decision approving a geothermal site and related facility, findings on whether there are sufficient commercial quantities of geothermal resources to operate the proposed facility for its planned life The bill would prohibit the commission from certifying a geothermal site and related facility unless it finds that the geothermal field dedicated to the proposed powerplant is reasonably capable of providing geothermal resources in sufficient commercial quantities to supply the powerplant over its planned life

Ch 808 (AB 689) Cortese Santa Clara Valley Water District

(1) Under existing law, the Santa Clara Valley Water District is a special district organized under the Santa Clara Valley Water District Act, consisting of all the territory of Santa Clara County and vested with broad water development and flood control powers.

This bill would authorize the district to require the sealing of abandoned or unused wells according to standards adopted by the board of directors and designed to protect

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the groundwater resources of the district from contamination The bill would impose a state-mandated local program by requiring the review and investigation by the district, in accordance with prescribed procedures, of any existing water wells in connection with land development permits or approvals within Santa Clara County

The bill would declare that any abandoned or unused water well within the district endangering the public health and safety by creating a water contamination hazard is a public nuisance, and would authorize the district to undertake proceedings to abate any such public nuisance in accordance with prescribed procedures and requirements.

The bill would require ordinances of the district to be adopted in accordance with prescribed procedures, and would make violation of any such district ordinance a misdemeanor, punishable as prescribed. The bill would permit any violation or threatened violation to be enjoined by civil action.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

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

Ch. 809 (AB 2235) Wyman. Off-highway vehicle recreation· safety program

Under the Off-Highway Motor Vehicle Act of 1982, there is an Off-Highway Motor Vehicle Recreation Commission and the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation with prescribed powers and duties with respect to a program which includes the acquisition and development of a recreation and trail system. The program also provides for grants to cities, counties, and appropriate districts for those purposes

This bill would require the division to prepare and coordinate safety education programs through grants, cooperative agreements, and contracts. The bill would also authorize the division to make grants to cities, counties, appropriate districts, and nonprofit corporations for safety education programs, and would require the approval of the commission of any grant, cooperative agreement, or contract. The bill would limit funds for those programs to not more than $300,000 each fiscal year, subject to appropriation in the annual Budget Act.

The bill would also require the commission to review and make recommendations, after conducting at least one public hearing, on the development of a model off-highway motor vehicle recreation safety program and eligibility criteria and procedures for the grant programs.

Ch. 810 (AB 1906) McClintock. Child care and development programs.

Existing law authorizes the governing board of any school district or community college district maintaining a child development program to include in its budget the amount necessary to initiate, operate, and maintain a child development program and requires the board of supervisors to levy a school district tax or a community college district tax to raise that amount Existing law specifies that this tax shall be in addition to any other school district tax or community college tax authorized by law to be levied

This bill would specify that, notwithstanding any other provision of law, the Chancellor of the California Community Colleges shall not include any portion of the countywide 1% general purpose local property tax revenue allocated by the Ventura Community College District to the Child Development Fund during the 1981–82, 1982–83, 1983–84, and 1984–85 fiscal years as local property tax revenue for general apportionment purposes pursuant to specified provisions of current law.

Ch. 811 (SB 893) Seymour. Minors: child abuse.

Existing law provides that when an officer takes a minor whom he or she has taken into custody on the basis that he or she may be declared a dependent child of the juvenile court before a probation officer, the officer so taking the minor must notify the minor's parent, guardian, or other responsible relative that the minor is in custody and of the place where he or she is being held; however, the court is authorized to order that such a notification as to the minor's whereabouts shall not be made under specified circumstances. It also provides that where it is impossible or impracticable to obtain such an

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order prior to the detention hearing, the officer may refuse to disclose the place where the minor is being held if he or she has a reasonable belief that the minor would be endangered by disclosure of the minor's exact whereabouts. It also provides for subsequent judicial review of such a decision.

This bill would provide that in any case in which a minor is released to a peace officer by a licensed child day care facility, the official in charge of that facility would be required to provide the peace officer with the address and telephone number of the minor's parent or guardian, thus establishing a state-mandated local program as the requirement would be applicable to local agencies maintaining such a facility.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

Ch 812 (SB 892) Seymour. Sexual assaults examination and treatment

Existing law requires the State Department of Health Services to adopt a protocol for the examination of a victim of rape or other sexual assault and guidelines for the treatment of any such victim The protocol and the guidelines are required to be used by medical personnel in county hospitals. The department, in cooperation with the Department of Justice, also is required to adopt a standard form for recordation of medical data disclosed by examination of such a victim, the form is required to be used by physicians in a county hospital and any other general acute care hospital who examine such a victim

Existing law also requires the advisory committee established by the Office of Criminal Justice Planning to establish standardized procedures for the collection of evidence from victims of sexual assaults and attempted sexual assaults who are treated in hospital emergency rooms.

This bill would repeal those provisions requiring the State Department of Health Services to perform the functions specified above and would require the Office of Criminal Justice Planning, with the assistance of the advisory committee, to develop a protocol and guidelines for the examination and treatment of victims of sexual assault and attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom It also would specify certain standards for such an examination and the collection and preservation of evidence It would require all general acute care hospitals, whether public or private, either to comply with these standards and the protocol and guidelines or to adopt a protocol referring victims of these crimes to a hospital that so complies, thus establishing a state-mandated local program as the requirement would be applicable to various local public hospitals The bill also would require the Office of Criminal Justice Planning, in cooperation with the State Department of Health Services and the Department of Justice, to adopt a standard form for the recordation of medical data disclosed by examination of a victim of sexual assault or attempted sexual assault, including child molestation, as specified

The bill also would make related changes

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs. It also would make an additional statement as to the lack

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of an appropriation reimbursing local agencies for costs

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

Ch. 813 (AB 1802) Floyd. Auctioneers.

(1) Existing law exempts from the requirements of the Auctioneer and Auction Licensing Act certain auctions and sales.

This bill would also exempt from the requirements of that act an auction conducted by an owner of a self-service storage facility if the auction is being conducted in order to enforce a lien

(2) Existing law authorizes the Board of Governors of the California Auctioneer Commission to issue a temporary permit authorizing an applicant to practice auctioneering, pending the results of the first licensing examination after the date of the application

This bill would require the temporary permit to be void if the applicant fails the examination or does not appear at the examination.

(3) Existing law imposes requirements that are required to be satisfied in order for a person to receive an initial license as an auction company

This bill would include the requirement that the person pay the license fee, as specified.

(4) Under existing law, every person licensed under the Auctioneer and Auction Licensing Act is required to disclose his or her name, trade or business name, telephone number, and state license number, and the name and state license number of the auctioneer to be conducting the auction, if other than the licensee, in all advertising of auctions

This bill would delete the requirement that the name and state license number of the auctioneer to be conducting the auction be disclosed if the auctioneer is other than the licensee. The bill would also specify that the disclosure requirements do not apply to business cards, business stationery, or to any advertisement which does not specify an auction date

(5) Existing law requires that a sign be posted at each auction stating that all items are sold with reserve unless otherwise stated

This bill would delete this requirement

(6) Existing law authorizes the owner of goods to bid on his or her own items without notifying the audience if there is a written authorization from the licensee, and places restrictions upon the owner participating in the auction.

This bill would delete certain of these provisions, and would recast a provision requiring the disclosure to the audience of the fact that the owner has reserved the right to bid on his or her item or items.

(7) Existing law provides a listing of grounds for denial, suspension, or revocation of a license

This bill would include in that listing a conviction of the offense of issuance of an insufficient fund check and any act done while unlicensed which would be grounds for suspension or revocation of a license

(8) Existing law provides for a review hearing by the Board of Governors of the California Auctioneer Commission following the issuance of a decision by or disciplinary review committee regarding a license.

This bill would provide that if the licensee fails to either appeal the board's decision or to pay the fine within 30 days after the service of the board's decision, the license is automatically revoked

Ch 814 (AB 1861) Campbell. Hazardous waste transportation

(1) Existing law specifies routes and parking and stopping places permitted for transporters of hazardous waste and authorizes the Department of the California Highway Patrol, after consultation with the ~~State~~* Department of Transportation or the city or county agency with traffic control jurisdiction over a highway, to close the highway to vehicles transporting hazardous waste if specified requirements are met

This bill would recast these provisions and revise the requirements for restricting or

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prohibiting transportation, operative on January 1, 1987, applicable to the highway transportation of hazardous materials and hazardous waste for which a display of placards or markings is required, as specified, thus resulting in a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 815 (AB 1851) Jones. Occupational safety and health: excavations.

Existing law requires every employer to furnish employment and a place of employment which are safe and healthful for the employees, and to do everything reasonably necessary to protect the life, safety, and health of employees

This bill would provide that regulations of the Department of Industrial Relations requiring the shoring, bracing, sloping of excavations, or which contain similar requirements for excavations, shall only apply to the excavation of swimming pools where a reasonable examination by a qualified person reveals recognizable conditions which would expose employees to injury from possible moving ground.

The bill would further provide that, with respect to a swimming pool excavation, if these conditions are found to exist, employees shall not be permitted to enter the excavation until the condition is abated or otherwise no longer exists

Ch. 816 (AB 1849) Sher. School districts: community college districts· board members.

Existing law generally prohibits a member of the governing board of any school district or community college districts from having an interest in any contract made by that board. Existing law provides that a contract or other transaction entered into by the governing board of any school district or community college districts is not void or voidable, except where specified circumstances exist, and that a person shall not be disqualified from office or deemed guilty of misconduct in office if the fact of interest is disclosed or known to the board and noted in the minutes, as specified, the vote of the interested member, if any, is not counted, and the contract is just and reasonable to the school district or community college districts, as specified

Existing law also provides that the prohibition against a member of a school board or community college districts having an interest in a contract does not cause a contract of employment entered into between the board, and the spouse or child of a board member if the spouse or child is a limited-term or short-term employee, as specified, and if the employment is made on a competitive basis, as specified, to be void or voidable, or cause any board member to be disqualified from office or guilty of misconduct in office.

This bill would repeal those provisions and instead would provide that other existing specified prohibitions against conflicts of interest and incompatible activities applicable to other public officials are applicable to school and community college board members. A violation of the provisions prohibiting conflicts of interest by a school or community college board member would constitute a crime, as provided in those provisions, thereby imposing a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 817 (AB 1826) Johnston. Courts. San Joaquin County.

(1) Existing law specifies the maximum compensation of official reporters of the superior court for retirement purposes in San Joaquin County, and provides for the compensation of municipal court personnel in San Joaquin County

This bill would, retroactive to January 1, 1985, increase the maximum compensation of official reporters of the superior court for retirement purposes, include official reporters of the municipal court who held office on December 1, 1984, within the San Joaquin

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County retirement system, and impose a similar compensation limit for their retirement purposes, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch. 818 (AB 1803) Connelly Public drinking water

Existing law requires the State Department of Health Services to submit a systematic water analysis program for public water systems with 200 connections or less to the Legislature by January 1, 1985

This bill would require the department to conduct training workshops to assist health officers in evaluation of small public water systems, as defined, for organic chemical contamination, and in sampling and testing procedures It would require the department to develop a schedule for conduct of the programs by local health officers and enter into agreements with health officers to conduct the necessary work to be performed pursuant to the schedule

The bill would impose a state-mandated local program by requiring the local health officers, in consultation with the department, to conduct an evaluation of all small public water systems under their jurisdiction to determine the potential for contamination of groundwater sources by organic chemicals, and develop a sampling plan for each system within their jurisdiction

This bill would only be operative during any fiscal year if the Legislature appropriates sufficient funds to pay for these state-mandated costs during that year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

The bill would take effect immediately as an urgency statute

Ch 819 (AB 404) Kelley. Water rights fees.

(1) Under existing law, specified fees are required to be paid to the State Water Resources Control Board in connection with an application for, and the issuance of, a permit to appropriate water.

This bill would increase the amount of those fees, as prescribed

(2) Under existing law, a person may petition the board pursuant to specified provisions for permission to make a transfer of water or water rights.

This bill would require a person filing a petition for permission to make a transfer of water or water rights pursuant to specified provisions for use outside the basin in which the water originates to pay a filing fee equal to 25% of the application fee

Ch 820 (AB 2159) Klehs Social workers

Existing law licenses and regulates social workers pursuant to a chapter contained in Division 3 of the Business and Professions Code which relates to professions and vocations generally

This bill would transfer those provisions regarding social workers from Division 3 to Division 2 of the Business and Professions Code which relates to healing arts. The bill would impose a state-mandated local program by creating new crimes The bill would also delete various obsolete provisions

This bill would also incorporate certain changes proposed by SB 687, if SB 687 and this bill are both chaptered and this bill is chaptered last

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish proce-

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dures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 821 (SB 457) Deddeh. Collection agencies.

Existing law prohibits any agency from distributing an individual's name and address for commercial purposes, sale, or rental unless specifically authorized by law. The law authorizes an individual to remove his or her name from any mailing list maintained by the agency, except for that agency's purposes. The law does not prohibit an agency from otherwise releasing a person's name and address.

This bill would prohibit the Bureau of Collection and Investigative Services from releasing the home address or home phone number of any person licensed as a collection agency or registered as an employee of a collection agency, other than to a governmental agency or law enforcement agency, unless the request is in writing. The bill would require the bureau to immediately notify a licensee or registrant of the receipt of a threat of physical harm concerning a licensee or registrant and the name of the person making the threat

The bill would require all applications for registration or licensure to have a printed warning concerning the release of the address and phone number which appear on the application

Ch. 822 (SB 887) Seymour. School sites sale or lease zoning

(1) Existing law, applicable to school districts with 400,000 or fewer pupils, requires that the portion of a surplus school site consisting of land used for playground, playing field, or other recreational and open-space purposes, but not more than 30% of a school district's total surplus acreage, be offered for sale or lease first to a city in which the land is situated, second to any park or recreation district in which the land is situated, third to any regional park authority in whose jurisdiction the land is situated, and fourth to the county in which the land is situated, and prescribes the method of determining the sale or lease price of the surplus site to those agencies.

This bill would state the intent of the Legislature concerning development of unused school sites The bill would require the city or county having zoning jurisdiction over the surplus school site, if the specified public agencies all decline to purchase or lease the property, to comply with a request of the school district to zone the school site consistent with the applicable general and specific plans and compatible with the uses of property surrounding the school site The school site would be given the same land use control treatment as if it were privately owned. The bill would specifically prohibit the city or county, prior to the school district's sale or lease of the school site, from rezoning the site to open-space, park or recreation, or similar designation unless the adjacent property is so zoned or if so requested or agreed to by the school district. By specifying the zoning action to be taken by cities and counties in particular instances the bill would impose a state-mandated local program.

The bill would require a school district requesting a zoning change for a surplus school site to reimburse the city or county for the actual costs incurred in effecting the zoning change

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 823 (AB 2232) Rogers Public contracts.

(1) Existing law requires, with limited exceptions, that whenever the state prepares an invitation for bid for a contract for goods in excess of $100,000, the state shall award preference points to California-based companies who certify under penalty of perjury that no less than 50% of the labor required to perform the contract shall be accomplished at a worksite or worksites located in a distressed area

Existing law also provides that where the bidder complies with the above provisions, or the worksite is within commuting distance of a distressed area, the state shall award additional preference points, as specified, if the bidder agrees to hire persons with high

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risk of unemployment during the period of contract performance.

With regard to the above provision granting preference points, if the worksite is within commuting distance of a distressed area, this bill, in addition, would require that the worksite or worksites within the commuting distance of a distressed area contain at least 50% of the labor required to perform the contract.

(2) Existing provisions of the Target Area Contract Preference Act and the Employment and Economic Incentive Act each restrict to 15% the maximum preference points a bidder may be awarded under certain circumstances on a state contract for goods in excess of $100,000

This bill would amend each of the above acts to provide that in no case shall the maximum preference cost exceed $50,000 for any bid and in those cases where the 15% cumulated preference cost would exceed the $50,000 maximum preference cost limit, the $50,000 maximum preference cost limit shall apply.

The Small Business Procurement and Contract Act provides for small business preference in construction or the procurement of goods or the delivery of services where responsibility and quality are equal. However, the small business preference shall not exceed $50,000

This bill, with regard to the above $50,000 limitation, would provide that in bids in which the state has reserved the right to make multiple awards, this $50,000 maximum preference shall be applied, to the extent possible, so as to maximize the dollar participation of small businesses in the contract award.

In addition, this bill would amend each of the above acts to provide that certain qualified small business bidders shall have precedence over nonsmall business bidders in that application of any bidder preference for which nonsmall business bidders may be eligible shall not result in a denial of the award to a small business bidder. The provision would apply to those cases where the small business bidder is the lowest responsible bidder, as well as to those cases where the small business bidder is eligible for award as the result of the application of the 5% small business bidder preference

(2.5) Existing law requires 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 These provisions shall remain in effect until December 31, 1985, one day before the effective date of this bill, 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.

This bill would reenact those same provisions on January 1, 1986, and would extend them to January 1, 1988

(3) The Small Business Procurement and Contract Act provides for a small business preference in the delivery of services where responsibility and quality are equal. The act also requires the Department of General Services to develop regulations to implement these provisions. These requirements shall be repealed by the provisions of the act effective July 1, 1986.

This bill would retain all of the above-mentioned provisions until July 1, 1986

(4) Existing provisions of the Public Contract Code require state and local public agencies to give preference, as specified, to the purchase of paper products containing recycled paper.

This bill would require "postconsumer waste" to be material normally disposed of at a disposal site located in California. In addition, the bill would require "secondary waste" to result from a manufacturing process located in California.

The bill would revise the preferences to be given to suppliers of recycled paper products, would limit the recycled paper preference for any bid to no more than $50,000, and in bids in which the state has reserved the right to make multiple awards, the $50,000 maximum preference shall be applied to maximize the dollar participation of recycled business in the contract award.

In addition, the bill would provide that the recycled paper bidder preference shall not be granted if in so doing a small business which has qualified pursuant to the Small Business Procurement and Contract Act would be deprived of the contract award, regardless of whether the small business is the lowest responsible bidder or is eligible for a contract award on the basis of application of the small business preference, and in

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those instances where a bidder is eligible for both the small business and recycled paper preferences, the small business preference only shall be applied. Further, for purposes of a contract award, the 5% recycled paper preference may not be cumulated with any other preference for which a bidder may be eligible

The bill also would require that bidders, when contracting with state or local agencies, certify in writing and under penalty of perjury that the postconsumer waste would have been disposed of at a solid waste disposal site located in California and that the secondary waste was the result of a manufacturing process located in California.

The bill would impose a state-mandated local program by changing the above provisions in the Public Contract Code relating to local public agencies.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

Ch. 824 (AB 751) Duffy. Medical assistance program.

Existing regulations of the State Department of Health Services, which administers the Medi-Cal program, require that to be eligible for reimbursement for services provided to recipients under the program, a speech pathologist or audiologist must be licensed by the Speech Pathology and Audiology Examining Committee of the State Board of Medical Quality Assurance or similarly licensed by a comparable agency in the state in which he or she practices.

This bill would provide that licensed speech pathologists or audiologists are authorized to utilize and be reimbursed for the services of trainees in the process of completing requirements under a specified provision of law.

Ch. 825 (AB 258) Johnston. Classified service: substitute employees.

Existing law provides that the governing boards of school districts, and of community college districts, shall employ persons for positions not requiring certification requirements, which employees and positions, expressly excluding "substitute employees," are known as the classified service

This bill would define "substitute employee" for this purpose to mean any person employed to replace any classified employee who is temporarily absent from duty This bill would also authorize each of these governing boards to employ a substitute employee for not more than 60 calendar days to fill a vacancy that the board is then seeking to fill with a permanent employee, as specified.

Ch. 826 (AB 142) Moore. Public social services.

Under existing law, if any warrant issued by the county auditor is lost or destroyed before it is paid, the amount due may be recovered by the legal owner by filing with the auditor setting forth the fact of the loss or destruction of the warrant Under existing law, a warrant issued for public social services payments is considered lost if it has been mailed and has not been received by the addressee within 7 days after the date of mailing or within a shorter period of time as determined by the county board of supervisors or the county welfare department.

This bill would provide a procedure for the replacement of lost county warrants for public assistance. It would deem warrants not received within 5 working days from the date mailed as lost in the mail. It would require counties to replace a warrant not later than 5 working days after receipt of an affidavit attesting to the loss. It would require counties to notify a forwarding county of loss in cases where recipients have moved, and in this respect would contain a state-mandated local program.

The bill would require original warrants to be returned to the county if received

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subsequent to receipt of a replacement warrant.

The bill would also require the State Department of Social Services, in consultation with specified organizations, to develop a statewide intercounty lost warrant replacement affidavit, or revise the existing form in accordance with the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 827 (AB 1456) Clute. Fairs: California Park and Recreational Facilities Act of 1984.

Existing provisions of the California Park and Recreational Facilities Act of 1984 authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $370,000,000 for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, or historical preservation purposes, as specified. The purposes include, among others, local assistance grants to cities, counties, and districts for purposes of the act. A district is defined as any district authorized to provide park, recreational, or open-space services, or a combination of those services, except a school district

This bill would specify that a district agricultural association and a citrus fruit fair authorized to provide park, recreational, or open-space services of a character commonly provided by a recreation and park district, and which provides those services for the general public on a year-round basis, is a district under the act.

The bill would also provide that park, recreational, or open-space services of a character commonly provided by a county parks and recreation department, which are provided by a county fair for the general public on a year-round basis, are eligible for a local assistance grant under the act

The bill would state that the Legislature finds and declares that these provisions are declaratory of existing law.

Ch. 828 (AB 665) Alatorre Public contracts: school districts.

Existing law authorizes the governing board of each school district to make repairs, alterations, additions, or painting, repainting, or decorating upon school buildings, repair or build apparatus or equipment, make improvements on the school grounds, erect new buildings, and perform maintenance, as defined, by day labor, or by force account whenever the total cost of labor on the job or the total number of hours on the job does not exceed prescribed quantitative limitations.

Existing law also authorizes each school district governing board, in an emergency, as specified, to make a contract for the performance of labor and furnishing of materials or supplies without advertising for or inviting bids.

This bill would authorize each school district governing board to use day labor or force account in an emergency, as specified, notwithstanding the existing limitations on the use of day labor or force account.

Ch. 829 (SB 915) B. Greene. Child day care facilities.

Existing law authorizes the California Health Facilities Financing Authority to, among other things, make secured or unsecured loans to any participating health institution in connection with financing a project, as defined, or refinancing indebtedness incurred by a participating health institution. Under existing law, a child day care facility operated in conjunction with a health facility is not eligible to obtain a loan under the California Health Facilities Financing Authority Act.

This bill would generally make that type of facility eligible to obtain a loan under the act It would also provide that the facilities are insurable under the California Health Facility Construction Loan Insurance Law, and provide that, when capital outlay funds are granted on property which is leased for a child day care facility, the term of the lease shall be as long as, or greater than, the term of the loan.

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The bill would take effect immediately as an urgency statute.

Ch. 830 (AB 1064) Bader Hazardous waste: rewards.

(1) Existing law requires the payment of a reward to any person who provides information leading to the imposition of a civil penalty or leading to the conviction of a person for violating certain provisions of the hazardous waste control law. The State Department of Health Services is required to pay the reward for the imposition of civil penalties and counties are required to pay the reward for criminal fines

This bill would additionally include all other civil and criminal penalties concerning hazardous waste for which, if information is provided leading to their imposition, a reward is required to be paid. The bill would revise the provisions concerning the collection of the fines and penalties. The bill would also require that decisions on eligibility for the reward be made by the department, city attorney, or district attorney, whichever brought the action, pursuant to regulations adopted by the department.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by increasing the number of civil and criminal penalties for which a county is required to pay a reward if information is provided.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 831 (AB 851) Hughes Specialized secondary school programs

Existing law authorizes any school district or consortium of school districts that operates at least one high school to operate, upon approval of the Superintendent of Public Instruction, a specialized secondary program in high technology, performing arts, or other special curricula areas, for pupils in grades 9 to 12, inclusive

This bill would additionally permit any county superintendent of schools or county board of education to operate a specialized secondary program.

This bill would also direct the Superintendent of Public Instruction to make annual allocations for the costs of each approved specialized secondary program operated by a county superintendent of schools or county board of education, as specified.

This bill would take effect immediately as an urgency statute

Ch. 832 (SB 143) Watson. Health care

Existing law authorizes the Office of Statewide Health Planning and Development to designate experimental health manpower pilot projects sponsored by nonprofit educational institutions, community hospitals or clinics, or government agencies engaged in health or education activities, as approved projects, as specified.

This bill would require the office to establish a health manpower education contract program for funding projects related to health promotion and health-risk reduction programs, as specified, and would implement the program, beginning in the 1986–87 fiscal year, to the extent funds are provided in the Budget Act.

The bill would permit the director of the office to waive specified requirements if a potential contractor demonstrates an ability to meet the goals and objectives of the program.

~~The bill would also require the director of the office to report to the Legislature, as specified.~~*

Ch 833 (AB 2430) Agnos. Auditor General: Joint Legislative Audit Committee· legislative funds

Existing law requires the Joint Rules Committee to annually contract for an independent audit or audits of the expenditures of the legislative funds administered by the rules committees, of expenditures for legislative printing, and of expenditures for reimbursement of Members of the Legislature, as specified. Existing law further requires yearly audit reports to the Legislature

This bill would require that these annual independent audits be made on a fiscal-year basis and would also make various technical, nonsubstantive changes in the statute.

Existing statutory provisions provide that the Joint Legislative Audit Committee con-

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sists of 4 Members of the Senate and 4 Members of the Assembly. However, the Joint Rules of the Legislature specify that the committee shall consist of 7 Members of the Senate and 7 Members of the Assembly.

This bill would amend the statutory provisions in question to provide that the committee shall consist of 7 Members of the Senate and 7 Members of the Assembly.

Existing law provides that at least one assistant auditor general shall be a certified public accountant

This bill would provide, instead, that at least one deputy auditor general shall be a certified public accountant.

Under existing law, upon the request of the Director of Finance, the Controller shall transfer amounts from specified special funds and from the Federal Trust Fund to the General Fund for reimbursement to the Auditor General.

This bill would repeal this provision.

Under existing law, operative July 1, 1985, there is established an Auditor General Fund in the State Treasury, which is continuously appropriated for the expenses of the Auditor General These provisions also provide for transfers from the General Fund to the Auditor General Fund in fiscal year 1985–86 and fiscal years thereafter, and provide that appropriations for support of the Legislature shall reimburse the General Fund annually for the costs of audits not required by statute or regulation. The Governor vetoed the provision for continuous appropriation of the Auditor General Fund to the Auditor General

This bill would repeal and reenact these provisions, but would delete the provision that appropriations for support of the Legislature shall reimburse the General Fund annually for costs of audits not required by statute or regulation and the provision for transfers of money from the General Fund to the Auditor General Fund, and would instead provide that there shall be appropriated annually in the Budget Act to the Auditor General Fund, from the General Fund, the amount necessary to reimburse the Auditor General Fund for the cost of audits to be performed.

Under existing law, the Auditor General shall only conduct audits and investigations approved by the Joint Legislative Audit Committee.

This bill would provide that once an audit or investigative audit is approved, the Auditor General is required to complete the audit or investigative audit in a timely manner in accordance with specified standards

Under existing law, the Auditor General employs and fixes the compensation of employees in accordance with provisions specified in the California Constitution.

This bill would specify that for certain purposes, the Auditor General and his or her employees are deemed to be legislative employees.

Under existing law, it is a misdemeanor for the Auditor General, or any employee or former employee, to divulge or make known certain information, the disclosure of which is prohibited by law.

This bill would create a state-mandated local program by making it a misdemeanor for an employee of any state agency or public entity which has assisted the Auditor General in any audit or investigation, to disclose this information

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Under existing law, contracts involving the expenditure of state funds in excess of $10,000 entered into by a public entity which receives state funds, including a city, county, city and county, or district, shall contain a provision stating that the contract is subject to examination and audit by the Auditor General, as specified. These provisions would be repealed on January 1, 1987.

This bill, in addition, would require the above contracts to be subject to examination and audit by the Auditor General, would extend these provisions to state agencies, boards, commissions, and departments, would provide that it is the intent of the Legislature that the Regents of the University of California include the above auditing provision in contracts involving the expenditure of state funds in excess of $10,000, and would delete the date on which the above provision is repealed

Under existing law, the Auditor General is deemed to be a department head for

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specified purposes relating to depositions conducted in accordance with investigations of the Auditor General.

This bill would additionally provide that the Auditor General may administer oaths, certify official acts, and, pursuant to a specified procedure, issue subpoenas to compel the attendance of persons and their production of certain written materials at investigative interviews.

Existing law defines "improper governmental activity," for purposes of provisions relating to reporting of those activities by state employees, to include activities in violation of state or federal law.

This bill would expand the definition to include regulations and would extend those provisions to reporting by persons other than state employees.

Existing law prohibits state employees, as defined, from directly or indirectly using or attempting to use their official authority or influence, as defined, for the purpose of intimidating, threatening, coercing, commanding, or attempting to do the same, for the purpose of interfering with the right of a person to disclose certain matters to the Joint Legislative Audit Committee.

This bill would declare that employees who violate these provisions may be liable for civil damages

This bill makes various other changes relating to investigations conducted by the Joint Legislative Audit Committee and the Auditor General.

Under existing law, there is continuously appropriated to the Contingent Funds of the Assembly and the Senate, from each special fund from which appropriations otherwise may be made to pay the costs of audits of state agencies supported by the fund conducted by the Auditor General, the amount necessary to pay the costs of those audits actually made. There is also continuously appropriated from the Federal Trust Fund in the State Treasury to the Contingent Funds of the Assembly and the Senate, an amount equal to amounts received by the state from the federal government for reimbursement of expenses of audits required by federal law or regulations and conducted by the Auditor General

This bill would repeal these provisions

This bill would take effect immediately as an urgency statute.

Ch. 834 (AB 2238) Bradley County government

Under existing law, counties are prohibited from assigning to a collection agency obligations arising out of any delinquent assessments or taxes levied by the county or any other political subdivision of the state.

This bill would limit the foregoing limitation to delinquent assessments or taxes levied on the secured roll, and would permit delinquent unsecured taxes to be assigned for collection by the board of supervisors, with the approval of the tax collector when, in the judgment of the collector, a particular remedy will not be used.

Ch 835 (AB 2110) Stirling. Vehicles: ground clearance

(1) Under existing law, operating a vehicle or combination of vehicles in an unsafe condition is an infraction. For these purposes, "unsafe condition" is defined to include raising the center of gravity or other modification of a vehicle so as to unsafely affect its operation or stability

This bill would impose a state-mandated local program by, instead, prohibiting any person from operating a motor vehicle with a manufacturer's gross vehicle weight rating, as defined, of 10,000 pounds or less with a frame height, as defined, greater than a specified vertical distance. The bill would also impose a state-mandated local program by prohibiting a person from operating a motor vehicle with a body floor more than 4 inches above the top of the frame, as defined.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch 836 (AB 2089) Frazee School facilities: dedication of land and fees

(1) Under existing law, a city or county, pursuant to an ordinance adopted at least 30 days previously, may, as a condition to the approval of a residential development, require a dedication of land or fees, or both, for interim school facilities, as defined, upon a finding by the governing board of an affected school district that overcrowding exists in schools of the district and that there are no feasible methods of mitigating the overcrowding. Where a finding has been made by a school district that conditions of overcrowding exist, the city council or board of supervisors may not approve a proposed rezoning to, or grant a permit for, residential use, or approve a tentative subdivision map for residential purposes unless such an ordinance has been adopted, or a finding is made of specified overriding factors

This bill would require a school district, in notifying the city or county of the existence of overcrowded conditions and of the mitigation measures considered by the school district, to include in the notice a completed application to the Office of Local Assistance for a preliminary determination of eligibility under the State School Building Lease-Purchase Law of 1976. The bill would also prohibit the city or county from taking any action on the school district's notice of findings until the notice had been available to the public for at least 60 days

(2) The existing law describes various alternatives to be considered by a school district as "reasonable methods for mitigating conditions of overcrowding" for purposes of the school board's finding that no feasible method for reducing such conditions exist

This bill would include the lease or purchase of underutilized school facilities from other school districts among the mitigating factors to be considered by a school district making such a finding

(3) Existing law requires a school district to submit a schedule of its proposed usage of dedicated lands or fees following the decision of a city or county to require land to be dedicated or fees to be paid

This bill would require, instead, that the school district submit the schedule as part of its notice of findings to the city or county that conditions of overcrowding exist, or in any event, prior to the city or county's decision to require the dedication of land or payment of fees In addition, the bill would require the school district to submit such a schedule in connection with the decision of a city or county to increase the amount of land dedications or fees

The actions required of school districts by this bill would constitute state-mandated local programs.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

Ch 837 (AB 1978) Naylor Schools waivers of laws.

Under existing law, school districts may apply to the State Board of Education for a waiver of provisions of the Education Code Specified provisions may not be waived

This bill would add, as provisions that may not be waived, certain provisions requiring school districts to offer surplus property to other local public agencies prior to selling or leasing the property

Existing law requires that any school district that seeks to sell or lease a school site consisting of land used or suitable for outdoor recreational purposes, as specified, must first offer to sell or lease the site to certain local public agencies for the district's cost of acquisition, as adjusted, upon a finding that public lands in the vicinity of the school site are inadequate for the outdoor recreational and open-space needs of the community.

This bill would condition any waiver by the State Board of Education of any of these provisions upon a showing by the school district of financial need, as specified, and would require formal action of the board for the purpose of the waiver

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This bill would also require that each public agency having priority to purchase or lease the site be provided 30 days' prior written notice of the public hearings conducted by the governing board of a school district and the State Board of Education concerning the district's request for a waiver for this purpose

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by limiting the access of school districts to the waiver of specified provisions of the Education Code

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

Ch 838 (AB 54) Elder Sales and use taxes· exemptions waterborne vessels

Existing provisions of the Bradley-Burns Uniform Local Sales and Use Tax Law authorize a county, city, and redevelopment agency to adopt a sales and use tax Taxes imposed pursuant to that statutory authorization contain, until January 1, 1986, a provision exempting from the transactions and use tax, 80% of the gross receipts from the sale or use of personal property to operators of certain waterborne vessels.

This bill would extend that exemption until January 1, 1988

Existing provisions of the Transactions and Use Tax Law authorize a district, as defined, to adopt a transactions and use tax. Taxes imposed pursuant to that statutory authorization contain, until January 1, 1986, a provision exempting from the transactions and use tax the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property purchased by operators of certain waterborne vessels

This bill would extend that exemption until January 1, 1988.

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

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

Ch 839 (AB 992) Klehs Elections

Existing law requires that a petition calling for a special election to fill a vacancy in the membership in the governing board of a school district or community college district contain the county clerk's estimate of the cost of conducting the special election

This bill would additionally require that the petition shall contain the name and address of from 1 to 5 of the registered voters who are proponents of the petition, that it be printed in at least 6-point type, and that it be prepared and circulated pursuant to specified provisions of existing law

This bill would impose a state-mandated local program by requiring the county superintendent of schools to determine if a petition for a special election meets the requirements noted above

Existing law provides that, for statewide measures, upon receipt of the arguments which will be printed in the ballot pamphlet, the Secretary of State shall provide copies to the opposing authors of the arguments It requires that, in the case of measures submitted by the Legislature, the rebuttal arguments shall be filed by a date designated by the Secretary of State In the case of initiative or referendum measures, the rebuttal arguments shall be filed not less than 105 days prior to the election.

This bill would provide, instead, that all rebuttal arguments shall be filed no later than a date to be designated by the Secretary of State

This bill would incorporate additional changes in Section 5091 of the Education Code, proposed by SB 1386, to be operative only if SB 1386 and this bill are both chaptered and

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become effective January 1, 1986, and this bill is chaptered last

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 840 (SB 1047) Torres Pesticides safety

(1) Existing law requires the Director of Food and Agriculture to adopt regulations restricting worker reentry into areas treated with pesticides, including the posting of fields, areas, adjacent areas or fields, or storage areas

This bill would require that warning signs, as specified, be posted generally whenever any pesticide application with worker reentry intervals of at least 24 hours is applied on public property ~~on~~ [which are]* school grounds, parks, or other public rights-of-way where public exposure is foreseeable, except for pesticide applications by the Department of Transportation on public highway rights-of-way The agency with responsibility for the property where the pesticide application is to take place would be required to post the warnings, thus resulting in a state-mandated local program.

The bill would make any person who orders an employee to enter an area posted with a warning sign in violation of the worker safety reentry requirements promulgated pursuant to the specific provisions relating to worker safety guilty of a misdemeanor, thus creating a new crime resulting in a state-mandated local program, and would provide that a violation affecting any worker or workers constitutes a separate offense for each affected worker.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specific reason

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

Ch. 841 (AB 136) Connelly Health. tumors

(1) Existing law requires the State Department of Health Services to conduct an epidemiological study of the incidence of cancer

This bill would, instead, require the department to conduct a program of epidemiological assessments of the incidence of cancer, which would be required to encompass all areas of the state for which cancer incidence data are available.

(2) Existing law authorizes the State Director of Health Services to establish a system for the collection of information concerning the incidence of cancer and requires the director, upon the request of any county, to require the reporting of cancer, if the director makes a specified finding

This bill would require the State Department of Health Services to establish a statewide system for the collection of information determining the incidence of cancer, using population-based tumor registries modeled after the Cancer Surveillance Program of Orange County It would require the director to begin, as of the effective date of this bill, phasing in the statewide cancer reporting system, it would require all county or regional registries to be implemented or initiated by July 1, 1988, and it would require the system to be fully operational by July 1, 1990 The bill would require the director to submit an implementation and funding schedule to the Legislature within 60 days of the effective date of the bill.

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The bill would impose a state-mandated local program by requiring the director to designate cancer as a disease required to be reported to the department in the state or any demographic parts of the state in which cancer information is collected under this bill.

The bill would also impose a state-mandated local program by requiring any hospital or other facility providing therapy to cancer patients within an area designated as a cancer reporting area to report each case of cancer to the department or the authorized representative of the department, and would also require any physician caring for cancer patients to report each cancer case to the department or the authorized representative of the department except as specified.

The bill would also impose a state-mandated local program by requiring all physicians, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing diagnostic or treatment services to patients with cancer to grant to the department or the authorized representative access to all records which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified cancer patient and by making the willful failure to grant access to the records punishable by a fine of up to $500 each day access is refused

The bill would also require that the information reported be confidential, and be used for the purpose of determining the sources of malignant neoplasms and evaluating measures designed to eliminate, alleviate, or ameliorate their effect

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

(4) This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

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

Ch. 842 (AB 831) Eaves Mental health

Existing law provides that specified mental health expenditures by a city or county such as operation, maintenance, and service costs shall be reimbursed by the state under the Short-Doyle Act.

This bill would expressly make reimbursable insurance costs or departmental charges for participation in a county self-insurance program if the charges are not in excess of comparable available commercial insurance premiums and on the condition that any surplus reserves be used to reduce future year contributions

This bill would incorporate additional changes in Section 5715 of the Welfare and Institutions Code proposed by SB 1425, which would become operative only if SB 1425 and this bill are chaptered, and this bill is chaptered last.

Ch. 843 (AB 1177) Hayden. Child care facilities: community colleges

Existing law established the Community College Construction Act of 1980, under which community college construction projects for specified purposes are reviewed and funded by financial support from both the state and the community college district.

This bill would specify that the construction of certain child development centers may be funded under this program.

Ch. 844 (AB 141) Molina. Licensees.

Existing law prescribes the qualifications for licensure as a psychologist, clinical social worker, and marriage, family, and child counselor.

This bill would provide that on or after January 1, 1987, any person applying for a license or renewal of a license as a psychologist, clinical social worker, or marriage, family, and child counselor shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and report-

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ing, except as specified

Ch 845 (AB 182) *Johnston* *School finance: migrant pupils*

Existing law prescribes a method of determining state apportionments to school districts based generally on a revenue limit per unit of average daily attendance

This bill would provide that average daily attendance, as computed for this purpose, would be increased, as specified, for any school district that operates any school having a specified enrollment percentage of pupils who are currently migratory children, as defined, and in whose attendance area one or more state-operated migrant housing projects are located This bill would also direct the Superintendent of Public Instruction to establish rules and regulations to implement this increase.

This bill would appropriate $200,000 for the 1985–86 fiscal year for this purpose.

Ch. 846 (AB 747) Bradley, Mental health.

Existing law requires a city and county, which has a charter which requires a vote of the electorate to effectuate the assimilation of specified mental health employees into the civil service system of the city and county, to hold the necessary election at the same time as any regularly scheduled election prior to January 1, 1986.

This bill would impose a state-mandated local program by requiring a county of the third class, as well as a city and county which has a charter which requires a vote of the electorate to effectuate the assimilation of the state employees into the civil service system of the county to hold the necessary election at the same time as any regularly scheduled election, and would extend the date to January 1, 1987.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute.

Ch 847 (AB 1431) Rogers Storm water districts.

(1) Under the Storm Water District Act of 1909, storm water districts may be formed for the purpose of protecting the lands within the district from damage and soil erosion caused by storm water

This bill would authorize a storm water district during the first 2 years of its existence to incur indebtedness on a one-time basis by the issuance of warrants in accordance with prescribed procedures, and subject to approval of the voters of the district by ⅔ of the votes cast in a special election, for any purpose for which the district is authorized to expend funds, including specified expenses incurred in connection with the formation of the district. The bill would require the board of trustees of the district to notify the board of supervisors of its intention to incur indebtedness, and would require the board of supervisors to call, notice, and hold a special election within the district for that purpose.

The bill would not be operative in a county unless the board of supervisors adopts a resolution requesting operation.

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

Ch. 848 (AB 1474) Connelly Sacramento County Water Agency

(1) Under the Sacramento County Water Agency Act, the Sacramento County Water Agency is authorized to, among other things, produce, store, transmit, and distribute groundwater

This bill would authorize the formation of groundwater management zones within a portion of the agency identified in a specified map, in accordance with prescribed procedures and requirements, and would authorize the agency to levy and collect, in accordance with prescribed procedures, groundwater charges for the production of water from the groundwater supplies within any groundwater management zone which will benefit from the replenishment or replacement of underground water supplies through distribution of surface water in the zone. The bill would authorize the agency, in this connection, to require water-producing facilities to be registered with the agency. The bill would prescribe related powers and duties of the agency. The bill would

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prescibe penalties and enforcement powers of the agency and would impose a state-mandated local program by creating new crimes.

The bill would, subject to specified conditions, authorize public entities and public utilities to enter into contracts with the agency for utilization of groundwater management storage capacity within groundwater management zones.

The bill would authorize the board of directors of the agency, after formation of a groundwater management zone, to order the creation of a zone council with membership as determined by the board, and would prescribe the organization and duties of the zone councils

(2) Under existing law, the Board of Supervisors of Sacramento County is designated as ex officio the board of directors of the agency

This bill would impose a state-mandated local program by establishing within the agency a Water Advisory Commission, appointed by the board of directors as prescribed, and would prescribe the organization and duties of the commission

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for specified reasons

Ch 849 (AB 1536) Farr Controlled substances.

Under existing law, when failure to issue a prescription for certain controlled substances to patients in a licensed skilled nursing facility or intermediate care facility would, in the opinion of the prescriber, present an immediate hazard to the patient's health and welfare or result in intense suffering by the patient, the prescription may be dispensed upon an oral prescription if specified procedures are followed.

This bill would include patients in licensed home health agencies providing hospice care, as defined, within the group for whom oral prescriptions are possible

Ch 850 (AB 1582) Clute Security guards

Existing law prohibits any private patrol operator or his or her employee from wearing a badge except while engaged in guard or patrol work and while wearing a uniform and requires any badge or insignia worn by a licensee of the Private Investigator Act to be of a design approved by the Director of Consumer Affairs and requires the badge or insignia to bear on its face distinctive words identifying the employee and licensee.

This bill would prohibit any private patrol operator or his or her employee from using or wearing a badge, except while engaged in guard or patrol work and while wearing a uniform with patches stating "private security" and the name of the private patrol company by which the person is employed or for which the person is a representative.

Existing law authorizes the Chief of the Bureau of Collection and Investigative Services to refuse to register any employee of a private patrol operator if the person has committed any action which would be grounds for refusing to issue a license to a private patrol operator

This bill would require the chief to refuse to register any person, on and after January 1, 1986, who has been convicted of a serious felony, as defined, unless the chief makes a determination of the fitness of the person.

This bill would impose a state-mandated local program by creating a new crime since a violation of any provision of the Private Investigator Act is a misdemeanor

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 851 (AB 1621) Farr Public records marriage and marriage dissolution records: fees.

Existing law requires a fee of $3 to be paid for a certified copy of a marriage or marriage dissolution record that a public agency is required to obtain in the ordinary course of business. Existing law also authorizes the imposition of a fee of $6 for applicants, other than public agency applicants, for a certified copy of a marriage or marriage

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dissolution record These authorizations are contained in a statute that requires a local registrar of vital statistics or county recorder collecting a fee imposed pursuant to that statute, to transmit a specified percentage of the fee to the State Registrar of Vital Statistics.

This bill would clarify the effect of these provisions of law by transferring the authorization for the imposition of fees for a certified copy of a marriage dissolution record to a separate provision, defining the term "marriage dissolution record," specifying that the fees authorized under existing law for a copy of a marriage record, a percentage of which are payable to the State Registrar of Vital Statistics, relate to a marriage record that has been filed with the county recorder or county clerk, specifying the fee to be imposed for a certified copy of a marriage dissolution record obtained from the State Registrar of Vital Statistics, and making related changes

Existing law provides that, in order to defray collection costs, a local registrar of vital statistics, county recorder, or county clerk may retain a percentage of fees collected pursuant to existing law, not to exceed the lesser of 10% of the fees or the actual costs of collection

This bill would instead provide that the local registrar of vital statistics, the county recorder, or county clerk may retain 10% of the fees so collected.

Ch 852 (AB 1624) Bader. Subdivision maps· expiration

(1) Existing law specifies a period of time following approval of a tentative subdivision map after which the map expires.

This bill would prescribe an alternative expiration date if the subdivider, as a condition to approval of the map, was required to construct or improve or finance the construction or improvement of public improvements, as defined, of $100,000 or more outside the subdivision The bill would permit a tentative map on property subject to a development agreement to be extended for a period provided for in the agreement, but not beyond the duration of the agreement By extending the life of tentative subdivision maps, the bill would impose a state-mandated local program

The bill would repeal an existing provision which is presently operative only until January 1, 1986

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

(3) This bill would incorporate additional changes in Section 66452.6 of the Government Code, proposed by AB 2488, to be operative only if AB 2488 and this bill are both chaptered and become effective January 1, 1986, and this bill is chaptered last

Ch. 853 (AB 1639) N Waters. Special districts: standby charges.

(1) Under the County Water District Law, county water districts 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 County water districts are also authorized to fix and collect a sewage and waste service standby or availability charge, not to exceed $10 per acre per year or $10 per year for each parcel of land less than an acre.

This bill would authorize the Tuolumne Regional Water District, by a ⅘ vote of the board of directors, to fix and collect those charges in an amount not to exceed $30 per acre per year for each acre of land, or $30 per year for each parcel of land less than an acre

(2) 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

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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 Stallion Springs Community Services District only, to $30 per year for each acre, or $30 per year for a parcel less than an acre, and would, in addition, limit likewise the sewer standby or availability charge to $15 per year

(3) The bill would make legislative findings and declarations as to the need for a special law.

Ch. 854 (AB 1767) Felando. Gill and trammel nets

(1) Under existing law, gill nets and trammel nets with less than 6-inch mesh may not be used, until January 1, 1988, in specified portions of District 19.

This bill would extend that prohibition to waters less than 10 fathoms in depth from San Mateo Point to near Carlsbad and to waters less than 13 fathoms from near Del Mar to Scripps Pier, as specified.

The bill would also prohibit, until January 1, 1988, that use in other specified waters in Districts 18, 19, and 118 from June 1 to September 15.

The bill would prohibit, until January 1, 1988, use of those nets with less than 8-inch mesh between Pitas Point and Port Hueneme Light in waters less than 3 fathoms in depth.

Since violation of these prohibitions would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

(2) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code

Because this bill would make the money available for a new purpose, it would constitute an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 855 (AB 1702) La Follette. Department of Commerce

Existing law requires the Department of Commerce to prepare and submit to the Governor and the Legislature not later than the 60th calendar day of each regular session a report on the activities of the department and recommendations for legislative or executive actions, as specified.

This bill would repeal those provisions.

Existing law requires the Department of Commerce, in conjunction with the Commission on Economic Development and the Joint Committee on the State's Economy, to prepare a 10-year plan for the improvement and development of the state, as specified. In addition, existing law requires the Commission on Economic Development to assist the department in the preparation of the plan

This bill would repeal those provisions and would declare that the strategic plan of the Department of Commerce entitled "Job Creation for California in the Decade of the Eighties" and published in January of 1984, fulfills the above requirements.

Ch. 856 (AB 1758) Bradley. Schools pupil disciplinary procedures· principal's designee.

Existing law authorizes the principal of an elementary or secondary school, the principal's designee, and the county superintendent of schools to conduct disciplinary procedures, pursuant to specified criteria "Principal's designee" is defined for this purpose to mean any one administrator or, in the alternative, a certificated person, designated in writing by the principal to assist with disciplinary procedures; a second person may be designated to act in this capacity when the principal and the principal's designee are both absent from the school site

This bill would instead authorize any one or more administrators at the school to be named as "principal's designee " In the event that there is not an administrator in addition to the principal at the school site, any one certificated person could be designated in that capacity.

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Ch 857 (AB 1759) Bradley Water. standby charges

(1) Under existing law, counties may levy annual water and sewer standby charges on land within a county service area to which water or sewers are made available, whether the water or sewers are actually used or not, in an amount not exceeding $10 per acre, or $10 for a parcel of less than 1 acre, for either the water or sewer standby charge.

This bill would increase those maximum amounts to $30 per acre or for a parcel of less than one acre

(2) Under the County Water District Law, a water standby or availability assessment charge fixed by a county water district may not exceed $10 per acre or for a parcel of less than one acre

This bill would increase that maximum amount to $30 per acre or for a parcel of less than one acre

Ch 858 (AB 1439) Killea Vehicles

(1) Existing law requires the Department of Motor Vehicles to refuse to renew the registation of any vehicle for which a notice of noncompliance with an order to appear in court has been transmitted to the department by the court and when no certificate of adjudication regarding that notice has been received

This bill would revise the information that the department is required to supply a person attempting to renew registration under these circumstances

(2) Under existing law, peace officers and certain county and city employees may remove a vehicle from a highway for specified reasons, including when any vehicle registered in a foreign jurisdiction or without current California registration is found upon a highway and it is known to have been issued 5 or more notices of parking violations, as specified

This bill would also authorize the removal of a vehicle under the same circumstances when found in an offstreet public parking facility

Ch. 859 (AB 1641) N Waters. Recreation and park districts· board of directors· powers

(1) Under existing law, the board of directors of a recreation and park district is required to let all contracts which will exceed $5,000 for materials, supplies, and labor for new construction projects or for materials or supplies not related to new construction, alterations, maintenance, or repairs, and all contracts which will exceed $3,000 for materials, supplies, and labor for projects for alterations, maintenance, or repairs by competitive bid to the lowest responsible bidder

This bill would require the board of directors of a district in the County of Sacramento to contract for materials or supplies not related to new construction, alterations, maintenance, or repairs of district real property which will not exceed $5,000 to the vendor making the best offer and would require the district board to adopt the bidding procedure by ordinance at a public hearing for which notice has been provided The bill would specify the factors on which the county would be required to base its determination of the best offer The bill would also revise the requirements for giving notice to potential bidders for those contracts The bill would also require the district board to periodically review individual contracts and the contract letting procedures to ensure the best interests of the district are being served. These requirements would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for specified reasons

(3) The substantive provisions of the bill would become operative as of the date that the Commission on State Mandates receives a resolution from the County of Sacramento and all affected districts sufficient for making findings of local request. If the provisions become operative, the Board of Supervisors of Sacramento County would be required to report on or before December 31, 1986, on its effect

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Ch. 860 (AB 1642) Stirling County employees. retirement.

(1) The existing County Employees Retirement Law of 1937 provides higher benefit formulas and higher employer contribution rates for safety members than those provided for general members Existing law also generally prohibits any person from becoming a safety member if the person is over age 35 when first employed in a position eligible for safety member membership.

This bill would authorize a county to authorize a person over 35 years of age who is employed by a county as a detective or investigator in the office of the district attorney to elect to become a safety member as of his or her entrance into county service regardless of age and, if he or she makes specified contributions with interest to the date paid, to receive related service credit This authorization would apply only to a county of the third class This new authorization would impose state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 861 (AB 1643) Stirling Child abuse. medical costs.

Existing law authorizes a court to order a defendant convicted of child abuse or neglect to make restitution to the victim, but does not authorize a court to order a defendant to pay to a law enforcement agency incurring such cost, the cost of any medical examinations conducted on a victim of child abuse or neglect in order to determine the nature or extent of such abuse or neglect.

This bill would authorize a court to require the defendant to pay these costs, as specified

Ch 862 (AB 1656) Lancaster Home protection contracts

Existing law governing home protection contracts defines "protection contract fee" to mean the consideration received or to be received for the issuance of any home protection contract

This bill would provide, with a prescribed exception, that if coverage is provided prior to the time that an interest in residential real property is sold, the fee shall consist of a pro rata portion of the annual fee prorated from the period of commencement of coverage until the transfer of title, and the annual contract fee, as specified. Those provisions would remain in effect until January 1, 1988, when they would be repealed.

The bill would also state legislative intent

Ch. 863 (AB 1794) Elder Medi-Cal.

Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons Under existing law, the State Department of Health Services is authorized to require approval of a particular service by a Medi-Cal consultant in advance of the rendering of the service

This bill would provide that prior authorization for the use of nonemergency medical transportation services by patients to and from dialysis treatment shall be approved for a period of up to one year under specified circumstances

Ch 864 (AB 1835) Sher Fish and game recovery of damages.

(1) Existing law authorizes the Department of Fish and Game to clean up or abate the effects of deposits of petroleum or petroleum products in the waters of the state and to recover any costs incurred from the person who negligently or intentionally causes or permits the deposit Also, any person who is convicted of unlawfully polluting, contaminating, or obstructing waters to the detriment of fish in those waters is required to remove the substance which can be removed or pay the cost of removal by the department

This bill would authorize the department to clean up or abate, or cause to be cleaned

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up or abated, the effects of any petroleum or petroleum products deposited or discharged in the waters of the state or deposited or discharged in any location onshore or offshore where it is likely to enter the waters of this state

The bill also, in addition to any other penalty, would require a person to remove any substance that was placed in the waters or to remove any material threatening to pollute, contaminate, or obstruct waters, and which can be removed, or, alternatively, to pay the cost of removal by the department, if the person is responsible for polluting, contaminating, or obstructing the waters of the state, or if the person is responsible for depositing or discharging materials threatening to pollute, contaminate, or obstruct waters of this state, to the detriment of fish, plant, bird, or animal life in those waters.

The bill would require the department to make a reasonable effort to have the person responsible, when known and readily available, remove or agree to pay for the removal of the substance prior to taking any action committing the use of state funds, under specified conditions.

The bill would also make any person who discharges or deposits a substance or material deleterious to fish, plant, bird, or animal life or their habitat into, or which threatens to enter, the waters of this state civilly liable to the department for actual damages, as described, and cleanup or abatement costs, or both.

(2) Under existing law, certain donations derived from an income tax return checkoff are deposited in the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund which is available for specified purposes. Also, excepting moneys collected by the state under laws relating to the protection or propagation of fish and game, moneys collected by the state are generally required to be deposited in the General Fund.

This bill would create the Fish and Wildlife Pollution Cleanup and Abatement Account in the Fish and Game Preservation Fund and require all funds recovered under the bill to be deposited in the account. The bill would continuously appropriate the moneys in the account to the department for specified cleanup, removal, or abatement actions under specified conditions

The bill would require the excess over $500,000 on June 30 of each year in the Fish and Wildlife Pollution Cleanup and Abatement Account to be divided equally and half transferred to the Fish and Game Preservation Fund and half to the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account

(3) Under existing law, the Fish and Game Preservation Fund is continuously appropriated to the department to carry out the provisions of the Fish and Game Code

Because this bill would increase the amount of the moneys in that fund and make the moneys available for a new purpose, it would ~~constitute~~ [make]* an appropriation

(4) The bill would incorporate changes to Section 5655 of the Fish and Game Code proposed by SB 686 to be operative only if both bills are enacted and this bill is enacted last

Ch 865 (AB 1847) Elder. Subdividers: telephone and cable television facilities.

Existing law requires, and authorizes local agencies to require, that subdividers make various improvements, dedicate land and easements, reserve land, pay fees, and comply with conditions in connection with the approval of a proposed subdivision.

This bill would provide that whenever a city or county conditions its approval of a tentative subdivision map or parcel map upon a requirement that necessitates the undergrounding, replacement, or temporary or permanent relocation of any existing facilities of a telephone corporation or cable television system, the subdivider or developer would be required to reimburse the telephone corporation or cable television system for its costs in undergrounding or relocating the facilities

Ch 866 (AB 1917) Stirling Search warrants records

Existing law provides for a special hearing to be held in superior court to consider a motion by a criminal defendant for the return of property or to suppress as evidence matter obtained as a result of a search or seizure

This bill would specify that upon such a motion, the defendant shall be entitled to discover any previous application for a search warrant in the case which was refused by a magistrate for lack of probable cause

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Ch. 867 (AB 2078) Allen Fish and game commercial salmon vessel permits administrative hearings

(1) Under existing law, any person who takes fish or amphibia for commercial purposes is required to obtain a commercial fishing license In addition, until December 31, 1986, a person ~~must~~ [is required to]* have a commercial fishing salmon stamp to take salmon for commercial purposes Also, any person operating a fishing boat is required to register the boat with the Department of Fish and Game, and, in order to use the boat for commercial salmon fishing until January 1, 1986, the person is required to obtain a commercial salmon vessel permit.

Violations of these provisions of the Fish and Game Code are, generally, misdemeanors Also, a conviction of a violation of the provisions pertaining to commercial salmon fishing is cause for the Fish and Game Commission to suspend or revoke an individual's commercial salmon fishing privilege, and, upon a second conviction of specified laws, the commission may, until January 1, 1988, revoke or suspend the boat registration or the commercial fishing license of the master of a vessel

This bill would revise and recast the revocation and suspension provisions for commercial salmon fishing violations to instead authorize the commission to revoke or suspend the commercial salmon fishing privilege, as specified, after specified notice and opportunity for hearing, for certain reasons, and would require the commission to suspend or revoke the commercial salmon vessel permit after notice and opportunity for hearing for specified reasons

The bill would authorize the commission to compromise the permissive proceedings upon terms and conditions, including the payment of civil damages determined as specified in the bill, except as provided. The bill would authorize the commission to suspend or revoke the commercial fishing license for violation of the terms and conditions of an agreement to compromise.

(2) Pursuant to existing law, all money collected under the bill would be required to be deposited in the Fish and Game Preservation Fund, which is continuously appropriated to the Department of Fish and Game and the Fish and Game Commission for specified purposes

[This bill would, thereby, make an appropriation of any civil penalties received under the bill]*

(3) Existing provisions of law relating to administrative adjudications provide that they apply to, among other enumerated agencies, the Fish and Game Commission Chapter 234 of the Statutes of 1985, effective January 1, 1986, revises provisions relating specifically to the revocation of licenses by the Fish and Game Commission to remove the requirement that the administrative adjudication be done under the general provisions discussed above

This bill would delete the reference to the Fish and Game Commission from the general provisions on administrative adjudication

~~This bill would, thereby, make an appropriation of any civil penalties received under the bill~~ *

Ch. 868 (SB 17) Marks Local agencies. joint powers revenue bonds local bond pooling authorities

(1) Existing law authorizes a joint exercise of powers entity, created by agreement between 2 or more local public agencies, to issue revenue bonds and to incur other forms of indebtedness to pay the cost and expenses of acquiring or constructing one or more projects for various specified purposes. Existing law authorizes the California Debt Advisory Commission to assist local governments in, among other things, the sale of new debt issues in order to reduce costs

This bill would expand the enumerated projects and would permit a joint powers entity to issue revenue bonds for any of the specified projects upon authorization, by ordinance, of only those individual parties to the joint powers agreement which contract to make payments to be applied to the payment of the bonds, provided that the nonparticipating parties to the agreement incur no financial obligations under the issuance. In addition, the bill would permit a joint powers entity to incur other forms of indebtedness for any of the specified projects upon authorization, by ordinance, of only those individual parties to the joint powers agreement which contract to make payments to be applied to the payment of the instruments of indebtedness, provided that the nonparticipating parties to the agreement incur no financial obligations under such instruments of indebtedness

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This bill would provide that any joint powers entity would be authorized to issue bonds, including bonds bearing interest, to provide sufficient funding for bond purchase agreements with local agencies for the financing of public capital improvements whenever there are significant public benefits, as determined by the authority.

This bill would also specify the responsibilities and powers of each joint powers entity with regard to local bond pooling.

This bill would also permit the California Debt Advisory Commission, upon request, to advise local agencies regarding the formation of local bond pooling authorities and the planning, preparing, insuring, marketing, and selling of bonds.

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

Ch. 869 (SB 184) McCorquodale. Community care facilities residential care facilities for the elderly: temporary suspension

(1) Under existing law, the State Department of Social Services is responsible for issuing licenses, registrations, and permits for the operation of community care facilities. The department may suspend, revoke, or temporarily suspend these licenses, registrations, or permits under certain circumstances.

This bill would establish procedures which the department would be required to follow when issuing a temporary suspension. The bill would require the department to make every effort to minimize transfer trauma for the residents or clients and take other specified actions. The bill would require the Auditor General to report to the Legislature by April 1, 1988, on the implementation of these procedures.

(2) Existing law does not require each facility required to be licensed pursuant to the California Community Care Facilities Act to keep a current record of clients in the facility.

This bill would impose such a requirement This would impose a state-mandated local program since any violation of the laws or regulations under the California Community Care Facilities Act constitutes a misdemeanor It would also impose a state-mandated local program upon local agencies which maintain facilities which would be subject to the requirement.

(3) The bill would incorporate provisions substantially similar to those described in paragraphs (1) and (2) above in the provisions relating to residential care facilities for the elderly which would be enacted by SB 185, to be operative and effective only if SB 185 is enacted.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 870 (SB 262) Maddy. Controlled substances: seizure and forfeiture.

Existing law provides for a procedure for the seizure and forfeiture to the state of, among other things, vehicles, boats, or airplanes which are or are intended to be used as an instrument to facilitate, among other controlled substance offenses, the unlawful possession for sale or sale of (1) 28 5 grams or more of Schedule I controlled substances, including heroin; or (2) 28.5 grams or more of any Schedule II controlled substances, including cocaine and methamphetamine.

This bill would revise the reference in that provision to controlled substances to provide, with respect to heroin, cocaine, and methamphetamine, for the seizure and forfeiture to the state of vehicles, boats, or airplanes which are or are intended to be used as an instrument to facilitate the unlawful possession for sale or sale of (1) 14 25 grams or more of heroin, (2) a substance containing 14 25 grams or more of heroin, (3) 14 25

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grams or more of a substance containing heroin, (4) 28.5 grams or more of cocaine or methamphetamine, (5) a substance containing 28 5 grams or more of cocaine or methamphetamine, or (6) 57 grams or more of a substance containing cocaine or methamphetamine.

The bill would also add to the controlled substance offenses which result in that seizure and forfeiture the manufacturing of controlled substances.

Ch. 871 (SB 678) Roberti. Acquired Immune Deficiency Syndrome

Under existing law, an AIDS Advisory Committee has been established in the State Department of Health Services The committee will be abolished effective July 1, 1986, under the terms of existing law.

This bill would add 2 ex officio nonvoting members to the committee and would extend the life of the committee from July 1, 1986, to July 1, 1990.

Ch. 872 (SB 832) Watson California State Lottery Education Fund

Under the California State Lottery Act of 1984, school districts are among the public educational entities required to receive allocations from the California State Lottery Education Fund

This bill would declare the legislative finding that one purpose of the California State Lottery Act of 1984 was to provide school districts, county offices of education, and community college districts with additional funds free of state control. In order to further that purpose, the bill would provide that the expenditure of funds received by a school district, county office of education, or community college district pursuant to certain provisions of the California State Lottery Act of 1984 shall not be subject to state control.

Ch. 873 (AB 839) La Follette Developmental disabilities regional centers

Under existing law, the state contracts with private nonprofit community agencies known as regional centers to provide access to facilities and services for persons with developmental disabilities and their families The regional centers develop individual program plans for those persons and purchase the necessary services out of funds received from the state and other services. The State Department of Developmental Services is responsible for the processing, audit, and payment of funds made available to regional centers

This bill would provide that the department and the regional centers may monitor services purchased for regional center clients with or without prior notice, as specified, and that the department may conduct fiscal reviews and audits of service provider's records. The bill would provide for termination of the payments, termination of the contracts, and recovery of funds from providers for noncompliance The bill would require the department to promulgate regulations for appeal by the providers of departmental actions as a result of auditing and monitoring by September 1, 1986

Under existing law, the department is required to adopt regulations setting rules for regional center rates for nonresidential services

This bill would require the department to develop, by a specified date, a cost statement for use in setting rates for transportation services

Ch 874 (AB 314) Davis Common interest developments

(1) Existing law specifies the method of creation and essential attributes of condominium projects, including the incidents of a condominium grant Certain other types of common interest subdivisions are defined by existing law primarily for purposes of regulation under the Subdivision Map Act and the public report requirements contained in the so-called Subdivided Lands Law

This bill would enact the Davis-Stirling Common Interest Development Act, which would contain provisions respecting the creation and essential attributes of common interest developments, including community apartment projects, condominium projects, planned developments, and stock cooperatives, as defined. The bill would require that a declaration filed in connection with the creation of a common interest development include a legal description of the development, identification of the form of ownership, the name of the development's association, and the restrictions on use intended to be enforceable as equitable servitudes The bill would define the separate

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interests that are alienable for each type of common interest development.

The bill would delete existing provisions specifying alternative management schemes for condominiums and would require all common interest developments to be managed by a specified association with prescribed basic responsibilities and authority The bill would allocate maintenance responsibilities as between the association and the owners of the separate interests where the declaration does not otherwise provide. The bill would revise the existing requirement for extending covenants or restrictions of common interest developments to require approval by more than 50% of the votes in the association, rather than by more than 50% of the property owners as under existing law and would authorize amendment of the declaration by court order under specified circumstances The bill would require all amendments to be recorded, as prescribed, in order to become effective

The bill would specify alterations, improvements, and modifications which may be made by the owner of a separate interest in a common interest development and would revise the provisions applicable to condominium units The bill would recodify provisions granting owners of condominium units in buildings rights of ingress, egress, and support through the common areas, and would authorize recorded declarations to grant the same rights to owners of separate interests in other types of common interest developments. The bill would limit, as specified, the amount of regular and special assessments levied by the board of directors of a common interest development. The bill would make ownership of the common areas of planned developments by tenancy in common, unless otherwise provided in the declaration. The bill would extend indefinitely existing requirements for financial statements of common interest developments that would otherwise expire July 1, 1989

The bill would revise existing law on delinquent payment of assessments of common interest developments to (a) make the assessment delinquent 15 days, rather than 30 days, after it becomes due, (b) authorize a maximum penalty for delinquent payment of 10% of the delinquent assessment or $10, whichever is greater (subject to limitations in the development's declaration), rather than the existing maximum penalty schedule, (c) authorize associations to recover their reasonable costs of collection, including attorneys' fees, and (d) impose interest on delinquent assessments 30 days after they are due at an annual percentage rate not to exceed 12%. The bill would revise existing law relating to collection of assessments to (1) allow assessment liens for community apartment projects and stock cooperatives, in addition to condominium projects and planned developments as under existing law, (2) delete existing provisions making the lien expire after one year and permitting a single one-year extension, (3) require the notice of assessment to designate the name of a trustee initially nominated to conduct a nonjudicial sale to satisfy the assessment lien and expressly authorize substitution of another trustee to conduct the sale, (4) expressly specify that the sale may be judicial, in lieu of a nonjudicial sale, and that an association may pursue an action against the person owing an assessment even where a lien is created, and (5) expressly authorize an association to accept a deed in lieu of foreclosure The bill would recast, without substantial substantive change, existing requirements for disclosures to prospective purchasers of separate interests in common interest developments The bill would require a prescribed disclosure form to be given to prospective purchasers of separate interests, in such developments with the subdivision public report.

The bill would exempt defined governing documents of a common interest development from existing statutory restrictions on the remote vesting of interests and certain other restrictions on perpetuities. The bill would grant common interest development associations standing in prescribed proceedings (a) to recover for damages to the common areas, separate interests the association is obligated to repair or maintain, and damages to the separate interests arising out of or integrally related to damages to the common areas or separate interests the association is obligated to repair or maintain and (b) to enforce the provisions of the development's governing documents.

(2) Existing law provides that, unless a contrary intent is clearly expressed, local zoning ordinances shall be construed to treat like structures, lots, or parcels in like manner regardless of whether ownership is in the form of condominiums or community apartments, rather than leased apartments, offices, or stores

This bill would instead provide that, unless a contrary intent is clearly expressed, local zoning ordinances shall be construed to treat like structures, lots, or parcels in like

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manner regardless of the form of common interest development.

Ch. 875 (AB 556) Frazee. Judicial exhibits: disposition

(1) Under existing law, an exhibit or deposition in a civil action in the custody of the court or court clerk may be destroyed, by order of the court, 5 years after judgment in the matter has become final or the action or proceeding is dismissed or when 5 years have passed without the matter being set for trial or retrial, as specified. Under existing law, sealed files are required to be retained by the court for 2 years longer. Any party to the action or proceeding may file a written request, which must be honored by the court, to preserve the exhibit or deposition for up to 3 years longer than otherwise required and such requests may be renewed.

This bill would reduce the maximum length of time for which these requests may be made or renewed from 3 years to one year.

(2) Existing law contains comprehensive provisions relating to the disposition of exhibits in criminal cases.

This bill would repeal and reenact these provisions in a substantially revised form with the following major changes:

(a) The bill would authorize the court to release exhibits to the party entitled thereto, upon noticed motion and without a stipulation of the parties, prior to final determination of the action if no prejudice would result to either party and a specified photographic record is made of the exhibit by the party to whom it is being returned.

(b) The bill would require the court to return all or a specified portion of a prosecutor's exhibit to the prosecuting agency where the exhibit poses a security, storage, or health problem. The bill would require the clerk, upon court order, to substitute a specified photographic record for the exhibit, and the party to whom the exhibit is returned would be required to provide the photographic record

(c) The bill would require the court to dispose of all exhibits 60 days after final determination of criminal action or proceeding, as defined. Exhibits would be returned to the owners, if requested and the state would not be prejudiced thereby. Under the bill, if return of an exhibit is not applied for prior to final determination of the action or proceeding, exhibits of money would be transmitted to the county treasurer for disposition as unclaimed money, exhibits of stolen or embezzled property, other than money, would be returned to the arresting agency for disposition in accordance with existing law, and other exhibits would be transferred to the appropriate county agency for public use or for sale as surplus property However, the bill would require the court to act within 60 days after the final determination of action or proceeding, to destroy exhibits that are specified dangerous or deadly weapons, narcotic or poisonous drugs, explosives, and property which cannot be lawfully possessed. The bill would make mandatory the use of specified procedures for disposal of money received by the district attorney in criminal actions or proceedings.

(d) Prior to disposing of or returning an exhibit the bill would require the parties to the action or proceeding to be notified, as prescribed, and have an opportunity to make a photographic record.

By reducing the time and adding new procedures for disposition of exhibits in criminal cases and by requiring photographic records of released exhibits, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch 876 (AB 1104) Lancaster. Bureau of Collection and Investigative Services.

(1) Existing law provides for the continuation of certificates and registration issued under the Collection Agency Act upon the payment of a fee

This bill would provide that certificates and registration under that act, issued on or after January 1, 1986, shall expire on the last day of the month one year following the date of issuance. However, with regard to qualification certificates and registrations

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issued prior to January 1, 1986, those would expire on the last day of the month in which the birthday of the holder occurs.

(2) Under existing law, licensees of the Collection Agency Act who are required to maintain a trust account are also required to prepare and maintain a trust reconciliation statement, as specified, every 6 months, and to provide photocopies upon the demand of the Chief of Collection and Investigative Services.

This bill would provide that the statement be signed under penalty of perjury, that the statement and photocopies be sent to the Bureau of Collection and Investigative Services, and that the Director of Consumer Affairs may demand photocopies of trust account bank statements

(3) Under existing law, if the above statement and photocopies are not provided as demanded, the license of the particular licensee may be revoked.

This bill would, instead, provide that if the statement and photocopies are not submitted as required, the license shall automatically be suspended, unless the bureau authorizes an extension

(4) Under the Repossessors Act, the term "qualified certificate holder" or "qualified manager" is defined as a person in active control or management of, and who is a director of, a licensed place of business

This bill would include in that definition the requirement that the person possess a valid qualification certificate

(5) Under the Repossessors Act, applicants seeking a license or registration are required to include their social security number in the application.

This bill would delete that requirement

(6) Existing law allows a person denied a license or registration under the Repossessors Act to request a hearing regarding that denial.

This bill would require the request to be in writing.

(7) Existing provisions of the Repossessors Act require that a license be automatically suspended if the licensee fails to provide notification within a specified period of time of the cessation of a qualified manager.

This bill would provide that a suspended license may be reinstated upon payment of a reinstatement fee and submission of a reinstatement application, and it would provide a procedure to continue, for a limited time, a business upon the death of a person licensed as an individual or the death or disassociation of a partner of an entity licensed as a partnership.

(8) Under existing provisions of the Repossessors Act, the Director of Consumer Affairs is authorized to assess administrative fines against licensees, for, among other things, failure to submit a prescribed notice regarding a violent act or failure to report certain civil judgments.

This bill would specify that the notices are to be submitted within 7 days

(9) Existing provisions of the Repossessors Act authorize the director to undertake certain administrative actions regarding a license, certificate, or registration if the holder has engaged in specified conduct.

This bill would make certain technical and conforming changes in that law

(10) Existing provisions of the Repossessors Act provide that the original repossession agency license application fee is $750, except that the application fee for an original repossession agency license obtained as a result of a change in partnership shall be prorated

This bill would delete the stated exception and would make certain technical and conforming changes in that law

(11) Under existing provisions of the Repossessors Act, duties are assigned to the chief of the bureau, to the bureau itself, and to the Director of Consumer Affairs.

This bill would reassign a number of these duties.

(12) Under the Private Investigator Act, the director is authorized to adopt rules and regulations allowing for a change in the classification of a licensee, or in the type of business organization, and to prescribe the fee, if any, to be paid

This bill would delete this authorization.

(13) Existing provisions of the Private Investigators Act authorize licensees to appeal a disciplinary action to a review committee provided that a request is made to the chief of the bureau within 20 days of the disciplinary action

This bill would require the request to be made to the bureau itself, rather than the

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chief, and it would change the number of days allowed for an appeal from 20 to 30.

(14) The licensing requirements of the Private Investigator Act currently do not apply to a person who does not use a deadly weapon and who is employed exclusively and regularly by one employer with respect to the affairs of that employer

This bill would recast that exemption so that the Private Investigator Act does not apply to a person who does not use a deadly weapon and who is employed by any employer if the employer does not provide a contract security system for other entities or persons.

(15) Existing law prescribes the contents of various applications for licensure or employment under the Private Investigator Act

This bill would revise the required contents of certain of those applications, including deleting the requirement that a social security number be provided.

(16) Under the Private Investigator Act, a license is automatically suspended upon the death of a partner or dissolution of certain partnerships under that act, although a procedure for continuance is provided with respect to the death of a licensee or manager.

This bill would provide a procedure to continue, for a limited time, a partnership upon the death of a partner or disassociation of a partner. It would also recast the provisions allowing for limited continuances of business entities under the act.

(17) Under existing provisions of the Private Investigator Act, the chief of the bureau is authorized to take certain action against an employee, as defined If the employee is denied registration or if a firearm permit is denied under the act, a review must be requested within 20 days following the notice of the issuance of denial.

This bill would require the director, rather than the chief of the bureau, to administer the above action regarding an employee, and it would increase the number of days that a review may be requested, in both the instances cited above, from 20 to 30 following the notice of the issuance of denial.

(18) Under the provisions of the Private Investigator Act an expired license or branch office certificate may currently be renewed within 5 years after its expiration The act also prescribes a fee schedule for licensure, permits, and certificates under the act

This bill would decrease the amount of time in which to renew the above, expired licenses or certificates from 5 years to one year, and it would modify certain of the fees under the act

(19) Existing law provides that a violation of the Private Investigator Act relating to private investigator and private patrol operator licensure is a misdemeanor, punishable as specified

This bill would provide that it is a misdemeanor to knowingly engage an unlicensed private investigator or unlicensed private patrol operator, as specified, thus establishing a state-mandated local program. It also would increase the fine that may be assessed for violations of the act relating to private patrol licensure from $500 to $1000.

(20) Under the Alarm Company Act, a person employed exclusively and regularly by one employer in connection with the employer's affairs is exempt from the licensing requirements of the act.

This bill would recast that exemption to provide that a person employed by any employer who does not provide a contract alarm service for others is exempt from the act.

(21) Existing provisions of the Alarm Company Act provide for various licenses and registrations under that act and prescribe a fee schedule

This bill would make certain clarifying changes in that act, would delete the requirement that applicants provide their social security numbers in certain applications, and would revise the application and fee schedules

(22) Existing provisions of the Alarm Company Act provide for the suspension of a license or registration if the licensee fails to give notice of the cessation of a manager.

This bill would provide that a suspended license or registration may be reinstated upon payment of a reinstatement fee and submission of a reinstatement application, and it would provide a procedure to continue, for a limited time, a business upon the death of a person licensed as an individual or the death or disassociation of a partner of an entity licensed as a partnership

The bill would also revise certain of the duties of the chief and the director under the Alarm Company Act

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(23) Existing law provides for the licensing and regulation of collection agencies by the director through the bureau and authorizes the director to adopt and enforce whatever rules and regulations may be reasonably necessary to carry out provisions of the Collection Agency Act Existing law also provides for the repeal of the Collection Agency Act, effective July 1, 1986

This bill would delay that repeal until June 30, 1989

(24) Existing provisions of the Collection Agency Act continuously appropriate the moneys in the Collection Agency Fund Because this bill would continue that fund beyond its current expiration date, it would constitute an appropriation

(25) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 877 (AB 1143) Stirling Criminal procedure· discoverable materials

Existing law requires the prosecuting attorney in all criminal cases triable in the superior, municipal, and justice court to, upon the first court appearance of counsel, or upon a determination by a magistrate that the defendant can represent himself or herself, deliver or make accessible to the defendant or his or her counsel, copies of police, arrest, and crime reports, within 2 calendar days, which are discoverable by the defense, with specified exceptions

This bill would require the prosecuting attorney in the above criminal cases, to ~~immediately~~ deliver [to, or make accessible for inspection and copying by, the defendant or counsel,]* copies of police, arrest, and crime reports ~~to the defendant or his or her counsel~~ at the first court appearance [or upon a determination by a magistrate that the defendant can represent himself or herself]*, thereby imposing a state-mandated local program, however, if these discoverable reports are unavailable at the time of the first appearance or determination, the reports must be delivered within 2 calendar days

This bill would also provide that the court shall not dismiss the case because of the prosecutor's failure to immediately deliver copies of these reports or make them accessible for inspection and copying.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 878 (AB 1412) Wyman Property taxation. active solar energy systems

Existing statutory law, which implements subdivision (a) of Section 2 of Article XIII A of the California Constitution, provides that "newly constructed" does not include the construction or addition of any active solar energy system, as defined These statutory provisions apply only to lien dates for fiscal years commencing 1981 to 1985, inclusive, and will be repealed as of January 1, 1986

This bill would extend the application of these statutory provisions through the lien date for the 1990–91 fiscal year and would repeal these provisions as of January 1, 1991.

This bill would require the Legislative Analyst to report to the Legislature on or before January 1, 1990, with respect to the fiscal and economic effects of the bill

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no reimbursement shall be provided for property tax revenue losses resulting from this bill for a specified reason

Ch 879 (AB 1668) McAlister Judicial arbitration

Existing law specifies that all petitions regarding matters subject to arbitration are within the jurisdiction of the superior court, except that such matters are within the jurisdiction of the municipal or justice court if they are based upon the subject matter of a pending action properly filed in municipal court

This bill would exempt uninsured motorist arbitration proceedings from municipal court jurisdiction, bringing such matters within the jurisdiction of the superior court

The bill would also incorporate changes to Section 86 of the Code of Civil Procedure

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proposed by AB 82, contingent upon its prior enactment.

Ch 880 (AB 1780) Agnos Crimes: obscene matter.

Existing law authorizes a court to order obscene matter in the possession or under the control of a law enforcement agency, in respect whereof an accused stands convicted, to be destroyed. It also provides for the forfeiture of assets acquired through criminal profiteering upon a conviction of the underlying offense, as specified.

This bill would establish a procedure whereby the Attorney General, the district attorney, the county counsel, or the city attorney, could petition the superior court to order the forfeiture of matter in the possession of designated public officials or agencies depicting a person under the age of 17 years personally engaging in or simulating sexual conduct, as defined and except as specified, whether or not a criminal conviction is sought or obtained with respect to that matter.

Ch. 881 (AB 1911) Stirling. Criminal law peace officers.

Existing law establishes the Commission on Peace Officer Standards and Training, which is charged with the development of standards and training programs for peace officers, as specified. Existing law provides for the transfer of a portion of penalty assessments to the Peace Officers' Training Fund, which is continuously appropriated for grants to local governments and districts and for costs of administration.

This bill would appropriate $98,000 from the Peace Officers' Training Fund, in augmentation of Item 8120-001-268 of the Budget Act of 1985, for provision of a study of the circumstances under which peace officers are killed in the course of their employment. The study would be required to include the preparation of guidelines establishing optional standard procedures concerning those situations The study would be required to be submitted to the Legislature by December 31, 1986.

Ch. 882 (AB 2043) Eaves. Private industry council plans

Under existing law, a private industry council is established in each service delivery area of the state, with these areas being designated for purposes of implementing state and federal employment programs.

Existing law requires each private industry council to submit to the State Job Training Coordinating Council a plan for providing employment services in the service and delivery area with the plan being required to include specified items

This bill would provide that the plan shall include an assurance that a current requirement for promoting the transition of persons served in the service delivery area into full-time unsubsidized jobs, with an emphasis on nontraditional jobs in the private sector for women, is adhered to, including methods by which this requirement is to be implemented.

The bill would also specify that nontraditional employment in the private sector for women shall be deemed to include employment in an occupation in which no more than 25% of the employees are women

This bill would also require the Employment Development Department to provide training and technical assistance to each service delivery area in developing nontraditional employment training programs for women.

Ch. 883 (AB 621) Cortese. Subdivision maps.

(1) Existing law specifies the format and required content of final subdivision maps and parcel maps, and authorizes cities and counties to impose additional survey and map requirements.

This bill would delete the general authority for cities and counties to impose additional survey and map requirements for final and parcel maps on and after January 1, 1987, but would authorize a city or county, on or after that date, by ordinance, to require additional information including, but not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites, to be shown on a separate document to be filed or recorded simultaneously with the final map or parcel map.

(2) Existing law prescribes procedures for the amendment of a final subdivision map or parcel map by filing an amended map or a certificate of correction, prepared by a registered civil engineer or licensed land surveyor.

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This bill would require a county recorder upon the recordation of a certificate of correction to transmit a certified copy thereof to the county surveyor or county engineer, who would be required to maintain an index of the recorded certificates. The bill would authorize a fee to be charged for the cost of maintaining the index. These requirements would impose a state-mandated local program.

(3) This bill would incorporate additional changes in Sections 66434 and 66445 of the Government Code proposed by SB 756, to be operative only if SB 756 and this bill are both chaptered and become effective January 1, 1986, and this bill is chaptered last

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 884 (AB 1502) Molina. Evidence.

(1) Existing law provides that every person is qualified to be a witness and no person is disqualified to testify to any matter, except as otherwise provided by statute Existing law also provides that a person is disqualified to be a witness if he is incapable of expressing himself concerning the matter so as to be understood, either directly or through an interpreter, or incapable of understanding the duty of a witness to tell the truth.

This bill would provide that every person, regardless of age, is qualified to be a witness, and would provide that in any proceeding held outside the presence of a jury, the court may reserve challenges to the competency of a witness until the conclusion of the direct examination of the witness.

(2) Existing law requires a court to exercise reasonable control over the mode of interrogation of a witness so as to make such interrogation as rapid, as distinct, and as effective for the ascertainment of the truth as may be, and to protect the witness from undue harassment or embarrassment.

This bill would also require a court to take special care with a witness under the age of 14 in order to protect him or her from undue harassment or embarrassment, and to restrict the unnecessary repetition of questions

Ch 885 (AB 1593) Sher. Prisons: energy.

Under existing law, the Department of Corrections has jurisdiction over the planning and construction of prison facilities within its master plan, and the Department of General Services has general authority for construction of other facilities.

This bill would require the Department of General Services, in consultation with the Department of Corrections, to assess the technical and economic potential for cost-effective utilization of nonconventional thermal and electrical energy by new prison complexes, as specified It would require the study to be submitted to the Legislature no later than January 1, 1986.

The bill would take effect immediately as an urgency statute.

Ch. 886 (AB 1606) Ferguson. Coastal zone. local coastal program.

Under the California Coastal Act of 1976, each local government within the coastal zone is required to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. The local government is required to submit land use plans, zoning ordinances, zoning district maps, and, where necessary, other implementing actions to the California Coastal Commission for the local coastal program The commission is authorized to certify or refuse certification of the land use plan and may suggest modifications, and is authorized to approve or reject the zoning ordinances, zoning district maps, or other implementing actions and suggest modifications. The commission is required to make findings when a land use plan is certified or refused certification or zoning ordinances, zoning district maps, or other implementing actions are rejected.

This bill would require the commission to adopt the required findings to support its action no later than 60 days after the action or to provide a written explanation or written notice, as appropriate.

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Ch 887 (AB 1924) Bader. Certificated employees: compulsory leave

Existing law authorizes the governing board of a school district to immediately place on compulsory leave of absence, in accordance with specified procedures, a certificated employee charged with the commission of any of certain crimes, including specified narcotics offenses, certain controlled substance offenses, or unlawful sexual intercourse with a female who is a minor.

This bill would include an act of murder or attempted murder, within the offenses for which a certificated employee, if charged with the commission thereof, may immediately be placed on compulsory leave.

This bill would specify that the term "school district" includes county offices of education.

Ch 888 (AB 1774) Moore. Public utilities termination of services

(1) Existing law provides for the furnishing of utility services, including residential electrical, gas, heat, and water service, by privately owned public utilities subject to the jurisdiction and control of the Public Utilities Commission and similar services by publicly owned public utilities, including municipal corporations subject to their governing bodies and municipal utility districts and public utility districts subject to their boards of directors.

Existing law requires that, where a privately owned public utility furnishes residential electrical, gas, heat, or water service either through a master meter or through individually metered service in a multiunit residential structure, mobilehome park, or farm labor camp where the owner, manager, or employer is the customer or subscriber of record, the public utility is required to give 10 days' notice of termination for nonpayment Existing law prohibits termination of residential service for nonpayment of charges without 7 days notice or during investigation by the public utility of a disputed bill, which is required to include consideration of whether the customer be permitted to amortize the unpaid balance of the delinquent account over a reasonable period of time. In the case of privately owned utilities, existing law permits the customer to appeal an adverse decision to the commission

This bill would specify a 10-day notice in every instance of termination for nonpayment, would require, in the case of residential customers, that the notice be mailed not earlier than 19 days after mailing the bill for services, and would specify that the 10-day period does not start to run until 5 days after the notice is mailed The bill would require a privately owned public utility to make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or in person at least 24 hours before termination or, if telephone or personal contact cannot be made, to post a termination notice in a conspicuous location on the premises at least 48 hours before termination The bill would require public utilities owned by municipal corporations, municipal utility districts, and public utility districts to make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or in person at least 48 hours before termination.

The bill would specify the required contents of the termination notice The bill would prohibit termination of service without compliance with these provisions, and would require that any service wrongfully terminated be restored without charge for the restoration

The bill would extend these notice requirements to the situation where individually metered residential service is furnished by a publicly owned public utility in a multiunit residential structure, mobilehome park, or farm labor camp where the owner, manager, or employer is the customer of record.

The bill would prohibit termination of these residential utility services when an extension of the period for payment has been granted or on the certification of a physician and surgeon that to do so would be life threatening to the customer and the customer is unable to pay for service within the normal payment period and is willing to enter into an amortization agreement, as specified The bill would direct the public utility to determine whether the customer asserting inability to pay be permitted to amortize the unpaid balance over a period not to exceed 12 months The bill would require the public utility, in the case of a customer having a physician and surgeon's certification that termination of service will be life threatening, to permit, on request, amortization over a period not to exceed 12 months of the unpaid balance of any bill asserted to be beyond the customer's means to pay before delinquency The bill would permit a customer of a publicly owned public utility who receives an adverse determination of the dispute or

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request to appeal to the governing body of the municipal corporation or the board of directors of the district.

The bill would make the requirements of the bill minimum requirements, as specified, and would also make various technical and corrective changes

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement Under existing law, a violation of certain provisions of the Public Utilities Code is, among other things, a misdemeanor

This bill would, by imposing additional requirements regarding termination of residential utility service and amortization of utility bills, create a new crime as applied to privately owned public utilities and create a state-mandated local program as applied to publicly owned public utilities

The bill would, however, provide that no reimbursement is required by this act for specified reasons

Ch 889 (SB 114) Ayala. Milk. handler. surety bond

Existing law requires handlers of manufacturing milk and market milk to execute and deliver a surety bond in a specified amount, based on the average daily quantity of manufacturing milk or market milk purchased, to the Director of Food and Agriculture before purchasing milk from a producer

This bill would revise the amounts required of the surety bond based on the average daily quantity of manufacturing milk or market milk purchased

The bill would also require the Department of Food and Agriculture, in cooperation with representatives of the dairy industry, to study and report, as specified, by July 1, 1986, on the effectiveness of the above requirements with findings and recommendations for changes in existing law to strengthen producer security protection

Ch 890 (SB 236) Dills Death benefits under CERL Los Angeles County-optional changes

The County Employees Retirement Law of 1937. (a) provides for payment, upon the death of a member prior to retirement or the death of a retired member, of various death benefits to specified survivors in specified amounts, (b) provides for payment of various death benefits to surviving children through the age of 21 years if the children remain unmarried and are regularly enrolled as full-time students in an accredited school, as specified

This bill would authorize the board of supervisors of a county of the first class to (1) increase, prospectively and as specified, the amounts payable pursuant to item (a) above, (2) increase the maximum age in item (b) above, to 23 years, and (3) authorize payment of the various death benefits in item (b) above to any children for such period as those children remain legally incompetent to act as adults regardless of age This new authorization would impose state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 891 (SB 398) Nielsen. Forest practices: timber harvesting plan. term

Under the Z'berg-Nejedly Forest Practice Act of 1973, generally, no person may conduct timber operations unless the person has submitted a timber harvesting plan to the Department of Forestry and has been granted a license from the State Board of Forestry Under the act, the timber harvesting plan is effective for a period of 3 years; however, stocking work may continue longer, but is required to be completed within 5 years after the conclusion of other work The act also requires the timber owner within one month after completion of the work described in a timber harvesting plan, other than restocking, to file a completion report with the department.

This bill would permit an operator to annually file a completion report for a completed portion of the area covered by a timber harvesting plan The bill would also authorize

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the effective period of a timber harvesting plan on which work has been commenced but not completed to be extended for an additional one-year period, up to a maximum of 2 one-year extensions, with respect to any area for which a completion report has not been filed, if good cause is shown and all timber operations are in conformance with the plan, the act, and applicable rules and regulations, and upon filing a prescribed notice of extension with the department not sooner than 30, but at least 10, days prior to the expiration date of the plan

The provisions of the bill would be repealed on January 1, 1990, unless a later enacted statute deletes or extends that date.

Ch. 892 (SB 964) Morgan. Highways: federal-aid urban system funds.

Under existing law, the Department of Transportation, in cooperation with the FAU Systems Advisory Committee, is required to establish operating procedures and take other actions as appropriate to comply with all applicable laws, rules, and regulations relating to federal-aid urban system funds

This bill would require that funds apportioned by the United States Secretary of Transportation to public entities in California for federal-aid urban system projects be obligated by the recipient public entity within 3 years of apportionment to the state by the secretary. The bill would require the department, with the approval of the advisory committee, to reapportion funds not obligated within 3 years to other projects Any public entity receiving a reapportionment would be required to compensate the recipient of the original apportionment for at least 60% of the reapportionment

The Director of Transportation would be required to notify each public entity 6 months prior to the end of the 3-year period of the department's intent to reapportion the funds. The bill would authorize the public entity to request the advisory committee for a hearing to extend the 3-year period and the committee would be authorized to grant an extension of time if it makes a specified finding. The department would be required to certify that a recipient agency would be authorized to expend funds and to provide specified information to the California Transportation Commission. The commission would be authorized to amend the state transportation improvement program to reflect any changes it deems appropriate resulting from reallocations.

The bill would apply to federal-aid urban funds apportioned prior to January 1, 1986, but the 3-year period for those funds would begin on January 1, 1986.

Ch 893 (SB 1386) Foran. Schools: governing boards: vacancies.

Existing law requires that whenever a vacancy in the membership of a school district or community college district governing board occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board, within 30 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy, as prescribed

This bill would increase the time period in which to order an election or to make a provisional appointment to 60 days.

Existing law specifies that a provisional appointment confers no powers or duties of a governing board member upon the appointee during the 30-day period following the appointment.

This bill would specify that provisional appointments made pursuant to these provisions shall confer all powers and duties of a governing board member upon the appointee immediately following his or her appointment

This bill would incorporate additional changes in Section 5091 of the Education Code, proposed by AB 992, to be operative only if AB 992 and this bill are both chaptered and become effective January 1, 1986, and this bill is chaptered last

Ch. 894 (SB 1287) McCorquodale. Voter registration

Existing law imposes a penalty of imprisonment in the state prison for 16 months or 2 or 3 years, or in a county jail for not more than one year, on every person who willfully causes the registration of any person as a voter with knowledge that the person is not entitled to registration, or who knowingly and willfully signs the affidavit of registration of a nonexistent person, as defined, and mails it to a county clerk

This bill would impose a state-mandated local program by imposing similar penalties

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upon every person who knowingly and willfully completes an affidavit of registration or voter registration card, with specified intent, of a fictitious person or any person who has not requested registration or reregistration as a voter.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 895 (SB 486) Davis Unlicensed activities: treble damages.

Existing law does not specifically provide that any unlicensed person who causes injury or damage to another person as a result of providing goods or performing services shall be liable for treble damages.

This bill would provide that any unlicensed person, with specified exceptions, who causes injury or damage to another person as a result of providing goods or performing services for which a license is required under specified provisions of the Business and Professions Code shall be liable to the injured person for treble the amount of damages assessed in a civil action, but the additional damages could not exceed $10,000. The bill would also authorize the court in such an action to award all costs and attorney's fees to the injured person if he or she prevails in the action. The bill would provide that the provision authorizing treble damages shall not be construed to confer an additional cause of action

The bill would also provide that on and after January 1, 1986, no insurer shall issue or amend contracts of insurance in this state to provide coverage for the payment of the treble damages awarded because of the above provisions of this bill

Ch. 896 (SB 572) Lockyer. Community college districts· consolidation of elections

Existing law provides that the election of governing board members of a community college district 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 a community college district may, by resolution, require that its trustee general elections be held on the same day as the statewide general election, except that the board of supervisors of a county in which the district would hold elections may deny a request for consolidation if the board makes specified findings. It would prohibit the consolidation of an election if any of one or more counties in which a district is located denies the request for consolidation.

Ch. 897 (SB 693) Robbins Consolidation of elections

Existing law requires that if a local election is held on a statewide election date it shall be consolidated with the statewide election.

This bill would specify the provisions of law pursuant to which consolidation shall occur, and would authorize a county of the first class to deny a request for consolidation if it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

Ch. 898 (SB 1061) Lockyer Vehicle Code violations: citation forms

Existing law requires that a notice to appear for violation of certain violations relating to registration, license, or mechanical requirements of the Vehicle Code specify the offense charged and note that the charge shall be dismissed upon proof of correction.

Existing law also requires that a notice to correct violation be on a form approved by the Judicial Council, contain the owner's or operator's address and identifying information, and contain an estimate of the time required to correct the defect.

This bill would prohibit a court from imposing a fine or assessing an administrative fee with respect to a violation for which proof of correction has been timely and properly secured.

Ch. 899 (SB 621) Ellis. Elections. Political Reform Act. Loans

Under existing law, a governing board in the County of San Diego may adopt a resolution requiring its general district election to be held on the same day as the

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statewide direct primary election or the day of the statewide general election. If the election is held on the same day as a statewide election, those officers whose 4-year term of office would have expired on the last Friday in November following the general district election in an odd-numbered year, shall, instead, either continue in their office until no later than the 4th Tuesday after the day of the general election or, at the option of the governing board, cease to hold office prior to the expiration of their 4-year term and upon the qualification of their successors, as specified.

This bill would extend these provisions to also include those officers whose term would expire on the last Friday in December.

Under the Political Reform Act of 1974, a loan received by a candidate or committee is a contribution unless the loan is made from a commercial lending institution in the ordinary course of business, or it is clear that it is not made for political purposes notwithstanding the provision of the act defining the term "contribution" which provides, in part, that contribution means a loan except to the extent that full and adequate consideration is received

This bill would repeal this provision and instead provide that notwithstanding the definition of "contribution" a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes

This bill would also provide that a loan, whether or not there is a written contract, shall be reported when the loan is a contribution or is received by a committee or is received by a candidate and is used for political purposes.

This bill would also provide that a loan shall be reported with specified information in the campaign statement for the reporting period in which it is received and subsequently while the loan is outstanding or unpaid.

The bill would further provide that a loan of campaign funds, whether or not there is a written contract, shall be reported, with specified information, in the campaign statement for the reporting period in which the loan is made, and every subsequent reporting period in which the loan is outstanding or unpaid.

Ch. 900 (SB 696) Petris. Labor camp: unlawful detainer

(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 act. Violation of the act is a misdemeanor Existing law defines "labor camp" in part, as any housing accommodations which are 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 on or after that date for specified purposes, but which are provided for those purposes on or after January 1, 1984, by someone other than an agricultural employer, as defined.

This bill would revise this definition to, among other things, include any portion of any housing accommodation or property upon which housing accommodations are located used by 5 or more agricultural employees who are employed by any agricultural employer or employers, as specified. It would specify the provisions of law applicable to these labor camps This bill would impose a state-mandated local program because it would define a new crime.

(1.5) Existing law prescribes, among other things, that "labor camp" does not include employee community housing, as defined, which has been granted a specified exemption, and housing, and the premises upon which it is situated, owned by a public entity or a private nonprofit entity. It additionally prescribes that "labor camp" does not include privately owned housing and the premises upon which it is situated, financed with public funds equaling 50% or more of the purchase cost

This bill would delete the reference to owned by a private nonprofit entity in the case of the employee community housing labor camp exemption. It would impose a state-mandated local program to the extent this bill would expand the definition of labor camp and thereby define a new crime. It would add ownership by a nonprofit entity to the privately owned housing labor camp exemption. It would also make reference to original development as well as purchase cost in the privately owned housing labor camp exemp-

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tion.

(2) Existing law defines permanent housing for purposes of the act and provides a procedure for the exemption of that housing from certain regulations. Existing law prohibits a person who operates a labor camp consisting of only this housing and which has been so exempted, from terminating tenancy of a tenant who exercises certain rights.

This bill would expressly add to the list of rights the commencing of a prescribed action relative to retaliation. It would make these provisions applicable to all labor camps consisting only of permanent housing or permanent housing units within a labor camp and would in this regard impose a state-mandated local program by defining a new crime. This bill would set forth an exclusive procedure, notwithstanding other laws relative to unlawful detainer, for the setting of the date for a trial, when labor camp operator retaliation is alleged, as specified It would make findings and declarations in this regard.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 901 (SB 754) Bergeson. Nutrition.

(1) Under existing law, the State Department of Health Services is authorized to conduct a statewide program to provide nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age who are deemed to be at nutritional risk

This bill would name the program the "California Special Supplemental Food Program for Women, Infants, and Children" and authorize the state department to conduct special projects which are authorized in certain circumstances if federal funds are appropriated therefor The bill would also revise the procedures for operating the nutrition stamp program and provide for audits of vendors and participating local agencies, which is a state-mandated local program. In addition, the bill would provide the sanctions, penalties, and hearing procedures found in the federal regulations for the federal program in this area

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any 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 bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch. 902 (SB 924) Seymour. Driving offenses.

Under existing law, if a person is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and a drug, or with an excessive blood alcohol concentration, and if the person also does any act forbidden by law or neglects any duty imposed by law in the driving of the vehicle, which act or neglect proximately causes bodily injury to any other person other than the driver, the driver is required to be sentenced to punishment which includes imprisonment in the state prison or in the county jail for specified terms if there is not more than one separate conviction of driving under the influence or with excessive blood alcohol within 5 years of the offense in issue. If there are 2 or more prior convictions, the person is required to be sentenced to punishment which includes imprisonment in the state prison for 2, 3, or 4 years Existing law also provides that if the punishment imposed for a crime is imprisonment in the county jail, the crime is a

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misdemeanor.

This bill would, additionally, require the enhancement of the sentence of any person who causes bodily injury to more than one victim in any one instance of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, or with an excessive blood alcohol concentration and who is convicted of a felony, if the bodily injury to each additional victim is charged and found by the trier of fact, as specified The enhancement is required to be one year imprisonment in the state prison for each additional injured victim, not to exceed a total enhancement of 3 years The bill would, notwithstanding any other provision of law, authorize a court to strike the enhancements provided in the bill if it makes specified findings and states its reasons on the record.

Ch 903 (SB 1160) Royce. Readers for blind students.

Existing law authorizes the Department of Rehabilitation to provide various services to blind persons, including the provision of readers for blind college students.

Existing law also permits postsecondary institutions, including the community colleges to provide readers for blind college students

This bill would specifically provide that, notwithstanding any other provisions of law, reader services to blind students attending community colleges, and who are under sponsorship of the Department of Rehabilitation, shall be provided directly by the Department of Rehabilitation.

The bill would provide that this provision shall remain in effect until July 1, 1988, and as of that date is repealed, unless a later enacted statute enacted prior to that date deletes or extends that date.

The bill would also require the Department of Rehabilitation to seek federal financial participation in the provision of readers to these persons

The bill would reappropriate to the Department of Rehabilitation $82,000 from local assistance funds appropriated to the community colleges for the 1985–86 fiscal year for disabled students

This act would take effect immediately as an urgency statute

Ch. 904 (SB 984) Campbell. Motor vehicles: registration.

Existing law, with certain exceptions, requires, when a motor vehicle subject to vehicular air pollution requirements is initially registered in this state or ownership or registration is transferred or when a motor vehicle previously registered outside this state is registered in this state, that the applicant provide the Department of Motor Vehicles with a specified certificate of compliance or noncompliance with applicable emission standards. Certain transfers of ownership or registration are exempt from this requirement, including transfers between a lessor and lessee of a vehicle if there is no change in the lessee or operator of the vehicle

This bill would also exempt from these requirements transfers between a lessor and the person who has been, for at least one year, the lessee's operator of the vehicle.

Ch. 905 (SB 928) Royce. School employees: apprenticeship training.

Existing law authorizes the Commission on Teacher Credentialing and the Office of the Chancellor of the California Community Colleges to issue credentials to persons providing instruction in apprenticeship programs in school districts, adult education programs, and community college districts.

This bill would specify that notwithstanding any other provision of law, the governing board of any school district maintaining kindergarten or any of grades 1 to 12, inclusive, or providing adult education classes, may employ for purposes of instructing apprentices duly registered with the Division of Apprenticeship Standards, persons holding specified community college credentials.

This bill would specify that notwithstanding any other provision of law, the governing board of a community college district may employ for purposes of instructing apprentices in noncredit classes duly registered with the Division of Apprenticeship Standards, persons holding specified designated subject and secondary vocational credentials.

Ch. 906 (SB 1322) Marks. Community rehabilitation districts.

(1) Existing law authorizes the creation of districts for various purposes.

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This bill would enact the Community Rehabilitation District Law of 1985, which would permit the legislative body of a city or county to establish a community rehabilitation district within the city or county in accordance with a specified procedure The bill would prohibit the boundaries of a district from overlapping the boundaries of any project area established within the boundaries of a redevelopment agency. The bill would authorize a district to rehabilitate, as defined, public capital facilities, including, among other things, streets, sewer and water pipes, sidewalks, bridges, public buildings, criminal justice facilities, libraries, and parks and recreational facilities.

The bill would authorize the district to levy assessments, issue senior obligation bonds, and impose special taxes pursuant to other specified provisions of law and to impose fees and charges.

(2) The bill would impose a state-mandated program by requiring the county to conduct elections and make certain collections on behalf of the district, if requested to do so by the district, but would require the district to reimburse the county for those costs The bill would also impose a state-mandated local program by requiring the county auditor to allocate and pay to each district during each fiscal year an amount of property tax revenue sufficient to pay the interest and principal during that fiscal year on bonds issued by the district, but would require a city to reimburse a county for any costs incurred by the county auditor in making those distributions.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 907 (SB 1260) Seymour Special education· pupils disciplinary actions.

(1) Existing law requires school districts and other educational agencies to provide for the education of individuals with exceptional needs, as prescribed. Other provisions of existing law prescribe the causes for which pupils may be suspended or expelled from school, and prescribe the procedures which must be observed by these educational agencies in the institution of suspension and expulsion proceedings.

Existing law requires that suspension of a pupil shall only be imposed when other means of correction fail to bring about proper conduct Existing law, however, authorizes pupils to be suspended upon a first offense for violation of one of the specified causes for suspension or expulsion if the principal or superintendent of schools determines that the pupil violated one of those specified grounds or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process

This bill would expressly provide that individuals with exceptional needs, as defined, enrolled in a special education program are subject to suspension upon these same grounds and would delete the provisions of current law authorizing these pupils to be suspended for prescribed offenses upon the first offense, without a determination by an individualized education program team, if the principal or superintendent of schools determines that the pupil violated one of the specified causes for suspension or expulsion, or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

This bill would impose upon the site principal of a contracting nonpublic, nonsectarian school providing services to individuals with exceptional needs under specified provisions of current law the same duties and responsibilities relative to procedural requirements for the suspension of pupils with previously identified exceptional needs as are applicable under current law to principals and principal designees in public schools.

This bill would impose a state-mandated local program by revising and recasting the provisions of current law relating to the expulsion of pupils with previously identified exceptional needs. This bill would specify that these pupils may only be expelled under the provisions of current law relating to pupil expulsions after (1) an individualized education program team meeting conducted pursuant to specified requirements of current law has been held, (2) the team has determined that the misconduct was not caused by, or was not a direct manifestation of, the pupil's identified handicap, and (3) the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

This bill would specify that all applicable procedural safeguards prescribed by federal

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and state law and regulations apply to proceedings to expel pupils with previously identified exceptional needs, except that, notwithstanding any other provision of law, parental consent would not be required as a condition for expulsion proceedings or the decision to expel

This bill would impose a state-mandated local program by requiring each local educational agency to develop, pursuant to specified provisions of current law, procedures and time requirements governing expulsion procedures for individuals with exceptional needs

This bill would specify that the parent of each pupil with previously identified exceptional needs has the right to participate in the meeting of the individualized education program team regarding the expulsion of the pupil, as prescribed This bill would impose a state-mandated local program by requiring that each parent be notified of his or her right to participate in the meeting at least 48 hours prior to the meeting, and would authorize the parent to request a postponement for up to an additional 3 school days, as prescribed.

This bill would impose a state-mandated local program by requiring that each individualized education program team, in determining whether a pupil should be expelled, base its decision on recent and relevant information regarding the pupil, as defined

This bill would specify that the parent of each pupil with previously identified exceptional needs has the right to a due process hearing conducted pursuant to specified provisions of current law if the parent disagrees with the decision of the individualized education program team, or if the parent disagrees with the decision to rely upon information obtained, or proposed to be obtained, in the course of its deliberations, as prescribed.

This bill would require that the State Board of Education adopt regulations to ensure that hearings for pupils with previously identified exceptional needs are conducted in a more timely manner than those of other pupils This bill would impose a state-mandated local program by requiring school districts to conduct hearings in accordance with these rules and regulations

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any 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 bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

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

Ch 908 (SB 977) Bergeson Health care service plans.

(1) Under existing law, known as the Knox-Keene Health Care Service Plan Act of 1975, the Commissioner of Corporations licenses and regulates health care service plans. Existing law requires a plan to demonstrate, among other things, that it has a fiscally sound operation and adequate provision against risk of insolvency.

This bill would require a health care service plan to demonstrate to the commissioner that it has a procedure for prompt payment of provider and subscriber or enrollee claims. It would specify a procedure for meeting this requirement.

(2) Existing law requires each plan which reimburses providers of health care services that do not contract in writing with the plan to provide health care services for specified consideration, or which reimburses its subscriber or enrollees for expenditures incurred in having received health care service from providers that do not contract with the plan, in an amount which exceeds 10% of its total expenditures for health care services for the immediately preceding 2 calendar quarters to maintain certain reserves or insurance

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This bill would revise when this requirement applies, and would revise the amount of cash or liquid assets to be maintained. It would require the plan to make a specified report and would permit the commissioner to waive this requirement in certain instances

(3) Existing law requires the commissioner to conduct an examination of certain aspects of a plan. It also prescribes that the expense of conducting any additional or nonroutine examinations for good cause and certain additional or nonroutine medical surveys for good cause be charged against the plan being examined or surveyed.

This bill would permit any examination or specified medical surveys to be charged against the plan being examined or surveyed It would permit the commissioner to use a specified calculation for determining these costs and sets forth a way to assess these costs if recovery cannot be made from the plan.

(4) Existing law prescribes that a person who violates provisions of law making it unlawful to engage in the business of a plan without a license is liable for a civil penalty of not less than $500 nor more than $2,500 and a sum not exceeding $500 for each subscriber under an individual or group plan contract entered into or renewed while the violation occurred, if certain factors exist

This bill would make certain management and supervisory persons liable for this civil penalty It would delete the requirement that the civil penalty not be less than $500.

(5) Under existing law, the commissioner is authorized to issue, utilizing a specified procedure, cease and desist orders against plans.

This bill would provide an exclusive procedure for the commissioner to file complaints for the involuntary dissolution of a health care service plan. It would stipulate under what circumstances this action may be taken and with what superior court it must be filed. It would prescribe the priority of expenses and claims in the event of an involuntary dissolution

(6) Under existing law, a willful violation of the Knox-Keene Health Care Service Plan Act of 1975 or a rule or order made pursuant thereto is a crime punishable by a fine not more than $10,000, imprisonment in the state prison or county jail, or both fine and imprisonment.

This bill would impose a state-mandated local program by making a willful failure to comply with the new requirements specified in (1) or (2) a new crime

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 909 (SB 1431) Rosenthal Cellular radio telephone privacy

(1) Existing law, with specified exceptions, prohibits and prescribes criminal penalties for use of electronic amplifying or recording devices for eavesdropping on or recording defined confidential communications, including telephone communications, but not radio telephone communications

This bill would, with specified exceptions, prohibit and make the same criminal penalties applicable to persons intercepting, receiving, or assisting in intercepting or receiving communications transmitted between cellular radio telephones or between a cellular radio telephone and a landline telephone, unless consented to by all parties to the communication. The bill would also prohibit and prescribe criminal penalties for trespassing to commit or attempt to commit such offense By creating these new crimes, this bill imposes a state-mandated local program. The bill would also impose a state-mandated local program by requiring enhanced criminal penalties for specified offenses where the person has been previously convicted of this new offense

(2) Existing law, with specified exceptions, prohibits and specifies criminal penalties for manufacturing, assembling, selling, offering or advertising for sale, possessing, transporting, importing, or furnishing a device primarily or exclusively designed or intended for eavesdropping upon the communication of another

This bill would impose a state-mandated local program by expressly expanding the definition of this crime to include devices for intercepting or receiving communications between cellular radio telephones or between a cellular radio telephone and a landline telephone

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

The bill would contain specified legislative findings and declarations, and would be known as the Cellular Radio Telephone Privacy Act of 1985.

Ch. 910 (SB 1449) B. Greene. Private industry councils.

Existing law provides that state officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

Existing law also provides that state officers shall not participate in any decision in which they have a financial interest.

Existing law specifically provides, however, that notwithstanding the prohibition against having a financial interest in any contract made by an officer or a body of which the officer is a member, a member of a private industry council established in order to allocate funds provided for under the federal Job Training Partnership Act, may vote on any matter before the council, except those which have a direct bearing on services to be provided by that member, or any business or organization which that member represents, or which would financially benefit the member or the business or organization which the member directly represents.

This bill would repeal the above provision which specifically applies to private industry council members.

The bill would instead provide that, retroactively to January 1, 1983, the general prohibition against a financial interest in a contract entered into by an officer or a body of which the officer is a member shall not apply to any contract or grant made by private industry councils unless the contract or grant directly bears on services to be provided by any member of a private industry council or any business or organization which the member directly represents, or the contract or grant would financially benefit the member or business or organization which the member represents, and if the affected private industry council member participates in, or uses his or her influence to affect, the decision to award the contract or grant.

Ch 911 (AB 1210) Robinson Real property: taxation and title.

(1) Existing law does not provide for merger of more than one separate parcel of real property by reason of utilizing a single instrument of conveyance for more than one parcel or utilizing a consolidated description of the parcels in a conveyance or security instrument, although the Subdivision Map Act does provide for merger of substandard parcels in certain instances.

This bill would specifically provide that merger of separate parcels does not result from utilizing a single instrument of conveyance for more than one parcel or utilizing such a consolidated description in a conveyance or security instrument. The bill provides it is declaratory of existing law in this respect.

(2) Existing law requires that, whenever there is a change of ownership of real property or of a mobilehome subject to local property taxation, the transferee must file a change-in-ownership statement in the county where the real property or mobilehome is located

This bill would prohibit any person or legal entity from maintaining a civil action to enforce an agreement providing for a change in ownership of real property or a mobilehome subject to property taxation until the required change-in-ownership statement is filed or the agreement is recorded with the county recorder.

This bill would apply to specified agreements entered into after January 1, 1986.

Ch. 912 (AB 1440) Killea. Vehicles.

(1) Under existing law, the Department of Transportation may prohibit or restrict the parking of vehicles in specified areas and under specified conditions with respect to highways under its jurisdiction. The violation of those regulations are infractions.

This bill would also allow the department to prohibit or restrict the parking or standing of vehicles in those areas and under those conditions. The bill would make conform-

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ing changes and expressly include vehicles which are 6 or more feet in height, including any load, in the provision. The bill would also make a technical change in that provision.

(2) Under existing law, local authorities, as defined, may prohibit or restrict the parking or standing of vehicles on certain streets or highways during all or certain hours of the day, including permitting preferential parking.

This bill would also authorize local authorities to prohibit or restrict the parking or standing of vehicles on those certain streets or highways and during those times.

(3) Existing law authorizes any peace officer, as defined, to remove a vehicle from private property under specified conditions, including when a report has been previously made that the vehicle was stolen, embezzled, or left at the scene of a traffic accident, as specified

This bill would additionally authorize a peace officer, upon request of the property owner or person in possession, to remove a vehicle from private property when an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is required or authorized by law to take and does take the arrested person before a magistrate without unnecessary delay

Ch. 913 (SB 848) Rosenthal Credit cards: surcharges.

Existing law provides that it is against public policy and, therefore, void, for any contract between a card issuer and a retailer to contain a provision which prohibits the retailer from offering a discount or charging a lower price to customers who pay cash for goods.

This bill would state legislative intent and provide that no retailer may impose a surcharge on a cardholder who elects to use a credit card in a sales transaction, as defined, instead of paying by cash, check, or similar means. It would, however, authorize the offering of discounts for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card if the discount is offered to all prospective buyers

This bill would also provide that any retailer who willfully imposes a surcharge and who fails to pay that amount to the cardholder within 30 days of written demand is liable for 3 times the amount at which actual damages are assessed In addition, the cardholder would be entitled to recover reasonable attorney's fees and costs incurred in the action.

Ch. 914 (SB 960) Dills Public retirement LRS service credit for military service.

The existing Legislators' Retirement Law authorizes the granting of service credit in the Legislator's Retirement System (LRS), as "military service," for time during which any LRS member or former LRS member who retired on or after December 31, 1981, with 10 years of service in the system on or before December 31, 1984, served continuously and for not less than one year in the armed forces or Merchant Marines, as specified, of the United States prior to first assuming a state office for which membership in the LRS was elective, on the basis of one year of credit for each 5 years of service in the LRS, not to exceed a total of 4 years' credit, provided, that the member or retired person pays specified contributions, has not received credit for that service pursuant to any other provision of law, and elects to receive this service credit before January 1, 1986

This bill would change the retirement date for eligible retired members from December 31, 1981, to December 1, 1981, and would eliminate the requirement that the specified armed forces service be continuous.

The bill would take effect immediately as an urgency statute

Ch 915 (SB 610) Royce. Prisoners escape

Existing law provides for felony or misdemeanor punishment, in the alternative, for an escape or attempted escape by persons in a county or city jail facility, farm, or camp. If the escape or attempted escape is by force or violence, the prescribed punishment is imprisonment in the state prison for 2, 4, or 6 years to be served consecutively, or in the county jail not exceeding one year; provided that when the second term of imprisonment is to be served in the county jail it shall commence from the time the prisoner would otherwise have been discharged. A second statute currently provides that when any person is convicted of 2 or more felonies, the subordinate term shall consist of ⅓ of the middle term of imprisonment for the other felony conviction, thus allowing for a reduction of the subordinate term.

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The bill would recast the language for the punishment of an escape or attempted escape by force or violence from a county or city jail facility, farm or camp by providing for a full term of 2, 4, or 6 years consecutive to any other term of imprisonment, commencing from the time the person would otherwise have been released from imprisonment, and it would provide that this latter term shall not be subject to the reduction currently allowed by the second statute set forth above It would also continue to allow for an alternate sentence to the county jail for a consecutive term not to exceed one year.

This bill would also make technical nonsubstantive changes in the law

Ch 916 (SB 526) McCorquodale Pharmacy.

Existing law authorizes a registered pharmacist to perform specified procedures and functions in a licensed health care facility in accordance with developed policies, procedures, or protocols.

This bill would provide that, for those purposes, a licensed health care facility would include a facility operated by a health care service plan, as specified

Ch 917 (SB 705) Montoya. Subdivisions cable television service

Existing law requires tentative subdivision maps to meet specified design requirements and requires disapproval by the city or county legislative body of any tentative map not meeting those specified design requirements Existing law also authorizes cities and counties to require the construction of improvements, the payment of fees, and the dedication of land as conditions to the approval of a tentative map

This bill would authorize a city or county, by ordinance, to require, as a condition to the approval of a tentative subdivision map or parcel map, that design of the subdivision provide one or more cable television systems franchised or licensed to serve the geographical area in which the subdivision is located, an opportunity to construct, install, and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision

The provisions of the bill would not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

Ch 918 (AB 191) Leonard. Instructional materials.

Existing law requires the State Board of Education to adopt instructional materials for kindergarten and grades 1 to 8

This bill would require instructional materials, where appropriate, to be designed to impress upon the minds of pupils the principles of morality, truth, justice, and patriotism, and a true comprehension of the rights, duties, and dignity of American citzenship, and to instruct them in manners and morals and the principles of a free government This bill would require the State Board of Education to endeavor to see that this objective is accomplished in the curricula or instructional materials for educational content in appropriate subject areas

Ch. 919 (AB 1305) Killea. Alzheimer's disease. respite care services.

Existing law requires the Department of Aging to establish an Alzheimer's Disease Task Force and prescribes the powers and duties of the task force.

This bill would require the task force, as its first priority, a study to determine the feasibility of insurance coverage for respite care services that make it possible to maintain persons disabled with Alzheimer's disease in the home for as long as possible The task force would be required to report its findings and recommendations to the Legislature by January 1, 1987

Ch 920 (AB 602) Hughes Community colleges financial aid services

Existing law generally requires the governing board of each community college district to charge each student a specified fee per semester or per credit semester unit.

This bill would authorize student financial aid funds appropriated for the purpose of assisting students to pay that fee to be awarded without regard to the requirements generally applicable to student financial aid programs

Existing law appropriates specified sums to the Board of Governors of California Community Colleges according to a prescribed schedule for purposes of providing financial aid funds, as specified, and to defray certain specified fees. The Chancellor of

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the California Community Colleges is required to allocate the appropriated funds

This bill would authorize the chancellor to allocate up to 7% of the total amount appropriated pursuant to those provisions to community college districts for delivery of student financial aid services required as a result of the enactment of the above-described statute. The bill would specify that funds so allocated shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1983–84 fiscal year

Ch. 921 (SB 1203) Dills State employees

Existing law requires the state to provide state employees with a uniform allowance not to exceed $250 per year, or not to exceed $150 per year when state employees are not required to wear uniforms on a full-time basis If these provisions are in conflict with a memorandum of understanding reached pursuant to the State Employer-Employee Relations Act (SEERA), the memorandum of understanding is controlling when approved by the Legislature in the annual Budget Act The memoranda of understanding approved by the Legislature which became effective on July 1, 1984, provided uniform allowances in excess of these maximum amounts

This bill would delete the above conflict language provisions, would delete the specified maximum amounts for uniform allowances for state employees subject to the SEERA, and would provide that the uniform allowances be provided in amounts agreed upon in a memorandum of understanding reached pursuant to the SEERA

Existing law requires the state to provide state employees who are not subject to the SEERA with a uniform allowance not to exceed $350 per year, or not to exceed $250 per year when these employees are not required to wear uniforms on a full-time basis, and also permits the Department of Personnel Administration to adopt or amend regulations to implement employee benefits for officers and employees not subject to the SEERA

This bill would delete the maximum uniform allowances for state employees who are not subject to the SEERA, and would provide that the uniform allowances be provided in amounts determined by the department.

Existing law provides that compensation for uniforms shall not constitute "compensation" for the purposes of the computation of retirement contributions by state employees and the state, or for the purposes of the calculation of the retirement benefits, with respect to employees in bargaining units for which a memorandum of understanding has been agreed to by the state employer and the recognized employee organization, among others

Existing law provides that "compensation" shall include any special compensation for performing normally required duties, as specified, and compensation for uniforms, as specified Existing law also provides that "compensation" shall not include special compensation for additional services outside regular duties, as specified

This bill would provide that if the above provisions are in conflict with a memorandum of understanding, the memorandum of understanding shall be controlling without further legislative action, except that if provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act

Existing law also excludes various other items from the definition of "compensation "

This bill would also exclude sustained superior accomplishment awards from the definition

In addition, the bill would provide that notwithstanding the above provisions, all of the following shall apply

(1) The Department of Personnel Administration shall determine which payments and allowances that are paid by the state employer will be considered compensation for retirement purposes for any employee who either is not subject to SEERA or who is a supervisory employee or a nonelected officer or employee of the executive branch of government who is not a member of the state civil service

(2) The Trustees of the California State University shall determine which payments and allowances that are paid by the trustees will be considered compensation for retirement purposes for any managerial employee or supervisory employee, as defined.

The bill also would provide that certain specified compensation for state members, heretofore reported or not reported is hereby ratified, confirmed, and validated.

This bill would be operative with respect to uniform allowances for periods of employ-

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ment on and after July 1, 1984, and would state the findings and declarations of the Legislature in this regard.

Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions which require the expenditure of funds of a specified memorandum of understanding entered into between the state employer and specified state employee organizations, and would specify that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandums of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would also provide that any provisions in the memorandums of understanding approved by this bill which are scheduled to take effect on or after July 1, 1986, and which require the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature.

This bill would take effect immediately as an urgency statute.

Ch. 922 (AB 1199) Elder State employees: equipment.

Existing law governing personnel administration of state employees provides for, among other things, safety equipment and police protective equipment for state employed peace officers. These matters, as well as other matters, are generally the subject of negotiation between the state and employee organizations representing state civil service employees.

This bill would require the Department of Corrections and the California Youth Authority to provide to peace officers who request them prescribed protective vests in accordance with the terms of a memorandum of understanding. The bill would exempt from the State Contract Act until January 1, 1987, the emergency purchase of protective vests for correctional peace officers whose duties require routine contact with state prison inmates.

The bill would appropriate $750,000 to the Controller without regard to fiscal year for purposes of the bill.

It would specify the intent of the Legislature that excess costs incurred by the department and the California Youth Authority for purposes of this act be funded in the Budget Act of 1987.

Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions which require the expenditure of funds of a specified memorandum of understanding entered into between the state employer and a specified state employee organization, and would specify that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would also provide that any provisions in the memorandum of understanding approved by this bill which are scheduled to take effect on or after July 1, 1986, and which require the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature.

This bill would take effect immediately as an urgency statute.

Ch. 923 (SB 598) Dills State lands trust fund. financial reports.

(1) Existing law requires, whenever any statute grants or conveys state tide or submerged lands and requires the filing of any financial report with the Department of Finance, that the report instead be filed with the State Lands Commission.

This bill would repeal that requirement and instead would require that every county, city, district, or other political subdivision or agency of the state to which sovereign trust lands have been, or in the future are, granted, conveyed, or transferred by statute

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establish and maintain accounting procedures providing accurate records of all revenues from the trust lands and trust assets and of all expenditures of those revenues. The bill would also require that the money only be expended for those uses and purposes consistent with the public trust for commerce, navigation, and fisheries and the statutory grant. The bill would also require, commencing October 1, 1986, each grantee to annually file on or before October 1 with the commission a detailed statement of all revenues and expenditures relating to those lands, as specified By requiring local agencies and school districts to establish those trust funds and to file the annual statement, the bill would impose a state-mandated local program.

(2) Existing law authorizes the City of Los Angeles to exchange certain tidelands and submerged lands granted in trust for commerce, navigation, and fishing, under certain conditions, if the commission finds that the lands to be acquired are of equal or greater value than the lands for which they are to be exchanged and the commission approves the exchange.

This bill would expand the lands which may be exchanged by the city under those provisions.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

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

Ch. 924 (SB 1458) Roberti. Abandoned wells methane and other hazardous gas accumulations.

Existing law requires the State Oil and Gas Supervisor to carry out duties relating to hazardous oil and gas wells and other oil and gas activities.

This bill would require the supervisor, in cooperation with appropriate state and local agencies, to conduct a study of abandoned oil and gas wells located in areas with substantial potential for accumulation of methane and other hazardous gas in order to determine the location, the extent of methane gas and other hazardous gas accumulations, and potential hazards from the wells. The bill would require the supervisor, in cooperation with appropriate state and local agencies, to develop a strategy for extracting methane gas and other hazardous gas accumulations from the wells in high-risk areas identified by the supervisor and for the management of those gases from the wells in high-risk areas to prevent future accumulations of those gases.

The bill would require the supervisor to report to the Legislature on or before July 1, 1986, on the bill.

The bill would appropriate $350,000 from the General Fund to the supervisor for carrying out the purposes of the bill

The bill would take effect immediately as an urgency statute.

Ch 925 (SB 1337) Robbins. Medi-Cal· dental services.

Existing law requires the State Director of Health Services to establish the rates of reimbursement for health care services provided to beneficiaries under the Medi-Cal program.

This bill would require the director to study and submit a report, as specified, on the availability of dental health resources and methods of reducing the incidence of dental disease for persons who are developmentally disabled and who are clients of regional centers serving persons who have developmental disabilities.

This bill would require the director to contract with the University of California, a state college or university, or a private dental school for one 3-year pilot project to provide necessary direct preventive dental care.

This bill would require the director to report to the Legislature by March 15, 1989, on the results of the pilot project's activity and make recommendations for change in the Medi-Cal program.

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This bill would also appropriate the sum of $275,000 from the General Fund to the Director of Health Services for the purposes of this act, of which $200,000 shall be expended on the pilot project.

This bill would repeal these provisions on July 1, 1989, unless a later enacted statute, which is chaptered before July 1, 1989, deletes or extends that date.

Ch. 926 (AB 179) Sher. Public utilities: electrical rates and plant construction.

Under existing law, the rates charged by public utilities, including electrical and gas corporations, are subject to the jurisdiction and control of the Public Utilities Commission.

This bill would direct the commission to consider a rate recovery method for the costs of construction of any new electrical or gas plant which would be constant in real economic terms over the useful life of the facilities, so that ratepayers in a given year will not pay for the benefits received in other years.

The bill would direct the commission, in issuing a certificate of public convenience and necessity authorizing electric or gas plant construction estimated to cost over $50,000,000, to specify the maximum reasonable cost of the construction project, taking specified matters into consideration. The bill would permit the commission to approve an increase in this specified maximum cost after a finding that actual costs have increased and the public convenience and necessity require construction of the project at the increased cost The bill would permit the commission to authorize discontinuance of construction and recovery of reasonable costs incurred after a finding that the public convenience and necessity no longer require the project. The bill would direct the commission, in establishing rates reflecting the reasonable and prudent costs of new construction of any addition to or extension of an electric or gas plant, after a finding that the addition or extension is used and useful, to consider whether or not the actual construction costs are within the maximum cost specified by the commission

Ch 927 (SB 1452) Torres Japanese American National Museum.

Existing law makes no provision for an appropriation for the purpose of creating a Japanese American National Museum in this state.

This bill would amend Item 3790-101-036 of the Budget Act of 1985 to appropriate $750,000 only from the Special Account for Capital Outlay to the Department of Parks and Recreation for allocation to the City of Los Angeles for the Japanese American National Museum Foundation for the purposes of creating such a museum, if the City of Los Angeles encumbers at least $1,000,000 of nonstate funds for the same purpose and the Director of Parks and Recreation certifies that sufficient nonstate funds are available for completion of the project

This bill would require the Japanese American National Museum Foundation to report to the Legislature by January 1, 1987, on the status of the project and the utilization of state funds.

This bill would take effect immediately as an urgency statute.

Ch. 928 (AB 198) Isenberg. Civil service employees

Existing law requires an oath of allegiance from each state employee, and sets forth various acts which constitute causes for discipline of civil service employees.

Existing law also specifically provides that any civil service employee who is, or who claims to be, a citizen of any foreign country, or who claims dual citizenship of the United States and a country which is at war with the United States, or, among other things, who takes an oath of allegiance to a country which is at war with the United States, is subject to discipline The law also subjects a civil service employee to discipline who commits any act of disloyalty to, or disrespect towards, the United States or its flag or who does any act or thing when the United States is engaged in war to obstruct the war effort or defense preparations of the United States

This bill would repeal that specific provision

This bill would make legislative findings concerning the adequacy of other provisions of existing law which demand loyalty of the state's employees and which give the state authority to take disciplinary action against a state employee for certain reasons In addition, the bill would declare the discriminating effect of the above-specified existing law which, among other things, includes provisions concerning dual citizenship and

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would repeal that existing law

Ch 929 (SB 889) Seymour. Sexual crimes· punishment.

(1) Under existing law, it is either a misdemeanor or a felony for any person to commit an act of sodomy or oral copulation on a victim where 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

This bill would make both of these acts exclusively felonies, punishable by imprisonment in the state prison for 3, 6, or 8 years. It would also revise the provisions concerning the victims of these crimes by applying these provisions to situations where the victim is at the time of the act incapable, because of a mental disorder or developmental or physical disability of giving legal consent and would make conforming changes The bill would require the prosecuting attorney to prove, as an element of the above crime of oral copulation, notwithstanding the appointment of a conservator with respect to the victim pursuant to the Lanterman-Petris-Short Act, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

However, the bill would also provide that if the defendant and the victim of the crime of sodomy or oral copulation are both confined to a certain state or local hospital or facility at the time of commission of the crime, the crime shall constitute either a misdemeanor or a felony In these instances, the prosecuting attorney would be required to prove, as an element of the crime, notwithstanding the existence of a conservatorship under the Lanterman-Petris-Short Act, that a mental disease, defect, or disorder or physical disability rendered the victim incapable of giving legal consent

(2) Existing law provides that any person who, while acting in concert with another person, either personally or with another person, commits an act of oral copulation when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 5, 7, or 9 years

This bill would apply this penalty where the victim is at the time incapable, because of a mental disorder or developmental or physical disabilities, of giving legal consent, and this is known or reasonably should be known to the person committing the act.

(3) Existing law makes it a misdemeanor or a felony for any person to cause the penetration of the genital or anal openings of another person by any foreign object, when 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 for the purpose of sexual arousal, gratification, or abuse

This bill would recast this existing statute by, among other things, deleting the references to lunacy or other unsoundness of mind, whether temporary or permanent, and instead apply this penalty where the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability This bill would require the prosecuting attorney to prove, as an element of the crime, notwithstanding the appointment of a conservator with respect to the victim pursuant to the Lanterman-Petris-Short Act, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent This bill would make the crime exclusively a felony punishable by 3, 6 or 8 years in state prison However, the bill would provide that if the defendant and the victim of the crime are both confined to a certain state or local hospital or facility at the time of commission of the crime, the crime would constitute either a misdemeanor or a felony

(4) Existing law requires sex offenders, including persons who have been convicted of committing certain acts of rape, and acts of solicitation to engage in or engaging in lewd or dissolute conduct in public places, within 14 days of coming into any county, city, or city and county in which the person resides or is temporarily domiciled for that length of time, to register with the chief of police of the city in which the person resides or the sheriff of the county if he or she resides in an unincorporated area Failure to properly register is a misdemeanor Any person convicted of specified crimes who violates the registration provisions is required to serve not less than 90 days in county jail.

This bill would delete the acts of lewd or dissolute conduct from the above, but it would include certain other acts of rape and certain other sexual acts, including rape,

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done in concert with another person by force or violence either personally or by aiding or abetting the other person within the category of offenses which must be reported to local law officials and for which failure to properly register constitutes a misdemeanor. It also includes all acts of rape within the specified crimes conviction of which, in connection with failure to register, requires a minimum 90-day jail sentence It thus creates state-mandated local programs by increasing the level of service required of local government under an existing program and by changing the definition of existing crimes.

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 930 (AB 1910) Stirling. Prisons.

Under existing law, the Department of Corrections is authorized to construct and establish 4 work-based medium security institutions in San Diego County.

This bill would authorize the department to pay to the City of San Diego an amount not to exceed $2,500,000 as capacity fees for existing sewage facilities, to pay capacity fees to the city for the use of other specified facilities, and to pay capacity fees to the Otay Water District for existing water facilities to be amortized as agreed upon by the state and the district, in order to obtain essential sewage and water services for the prison in San Diego County, to be known as the Richard J. Donovan Correctional Facility at Rock Mountain

The bill would authorize the department to contract for a study, not to exceed a cost of $50,000, to determine the technical feasibility of utilizing subsurface percolation of sewage treatment and water reclamation on the site of the prison, and would prescribe related matters The bill would require the department to utilize water reclamation for the prison within 5 years of the effective date of the bill, if the director finds that the method is feasible The bill would require the City of San Diego to refund the capacity fee to the department if the department relinquishes its capacity rights in the San Diego sewer system.

The bill would appropriate $2,500,000 from the New Prison Construction Fund for capacity fees for sewage facilities relating to the Richard J. Donovan Correctional Facility at Rock Mountain, and $50,000 from the New Prison Construction Fund for the study authorized by this bill.

The bill would take effect immediately as an urgency statute

Ch. 931 (AB 2251) Costa Prisons.

Existing law authorizes lease-purchase financing for prisons and provides that the revenues, rentals, and receipts for buildings authorized under those provisions may be pledged to the payment on revenue bonds or certificates of participation. That authority to pledge those revenues, rentals, and receipts applies notwithstanding a provision applicable generally to state building construction that pledges revenues, rentals, and receipts for all public buildings authorized at any one session of the Legislature.

This bill would also provide that the authority to pledge those revenues, rentals, and receipts applies, notwithstanding a provision applicable generally to state building construction that provides that bonds issued to finance public buildings are special obliga-

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tions secured solely by revenues, rentals, and receipts from the operation of all public buildings authorized at one session of the Legislature.

Existing law authorizes the construction of a prison in or in the vicinity of Avenal in Kings County.

This bill would instead specify a particular section of land in Kings County for the construction of that prison, and would permit the acquisition of up to 2 additional sections for incidental facilities It would prohibit pumping or using groundwater from the underlying basin or from other areas as specified, and would require efforts to contract with the Department of Water Resources or Bureau of Reclamation for water It would exempt the activities related to that prison and a prison in Amador County from the California Environmental Quality Act

The bill would also authorize the construction of a 3,000-bed medium and maximum security institution at or in the vicinity of Corcoran in Kings County. It would exempt the activities related to that prison from the California Environmental Quality Act, but would require the Department of Corrections to submit an environmental assessment study to the Joint Legislative Prison Committee, the Kings County Board of Supervisors, the Corcoran City Council, and the State Public Works Board, and would require the approval of the State Public Works Board

Existing law authorizes the construction of two 500-bed prisons in Ione.

This bill would instead authorize one 1,700-bed prison in Ione at a site known as Mule Creek and would provide that that prison is not exempt from charges or assessments for future costs of the Amador Water System

The Budget Act of 1985 contains a reappropriation for site development and construction of a prison in Kings County in the vicinity of Avenal, but has a provision that that money is not available for expenditure until resolution of a specified suit.

This bill would provide for that purpose that it is the resolution of that suit.

The bill would appropriate $5,000,000 for a prison in the vicinity of Corcoran, and $750,000 for allocation to any county with 2 or more prisons for courtroom facilities that are affected, as specified

The bill would provide that, if any of its provisions is held invalid, the invalidity would not affect any other provisions which could be given effect without the invalid provisions

The bill would take effect immediately as an urgency statute

Ch 932 (AB 487) Robinson Prisons

Existing law authorizes the lease-purchase financing of the acquisition and construction of prison facilities in Kings County and in Los Angeles County, Riverside County, or San Bernardino County

This bill would repeal that provision and enact a similar provision for the lease-purchase financing of prison facilities in Amador County and of the Southern Maximum Security Complex. The bill would establish the New Prison Construction Revenue Fund. Moneys derived from the lease-purchase financing of the Southern Maximum Security Complex would be deposited in that fund and, with the approval of the Director of Finance, could be transferred to the 1984 Prison Construction Fund for the purposes of the New Prison Constructing Bond Act of 1984.

Funds derived from the lease-purchase financing of the Amador facility would be continuously appropriated to the Public Works Board on behalf of the Department of Corrections for the purpose of acquiring and constructing the Amador facility

Existing law imposes requirements for the procurement of engineering and architectural services, including negotiations with at least 3 firms, and certain selection requirements

This bill would provide that, notwithstanding those requirements, the Department of Corrections may amend existing contracts with firms to perform architectural or engineering services for a new prison in the vicinity of Corcoran

Under existing law, all contracts for services entered into by a state agency, as defined, are void unless approved by the Department of General Services, subject to those controls and approvals imposed by the Department of Finance and additional requirements of the Public Contract Code

This bill would exempt from these requirements agreements entered into by the Public Works Board or the Treasurer for the obtaining of financing, by revenue bonds,

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for state building construction.

The bill would appropriate $6,000,000 from the General Fund to the Department of Corrections to pay the first semiannual rental payment for the Southern Maximum Security Complex.

The bill would provide for the reversion of $50,000,000 of the unencumbered balances of specified appropriations to the unappropriated surplus of the fund from which derived

The bill would appropriate $88,000,000 from the 1984 Prison Construction Fund to the Department of Corrections for facilities in the vicinities of Avenal and Corcoran.

The bill would appropriate $2,500,000 from the General Fund to the Department of Corrections for three 500-bed prisons and a service facility in Riverside County.

The bill would appropriate $650,000 from the General Fund to the Department of Corrections for site studies for a prison in the vicinity of Yuba City and Marysville and to mitigate the impact of new prisons on local government

The bill would appropriate $33,000,000 from the New Prison Construction Fund and $17,000,000 from the 1984 Prison Construction Fund to the Department of Corrections for a facility in Avenal

The bill would provide that specified funds appropriated by SB 253 and the 1984 Budget Act shall be allocated for a contract with the Santa Ana Watershed Project Authority, as specified.

The bill would provide that funds allocated in SB 253 for the purchase of camp trailers or modular units shall be utilized to reimburse the new camps project specified in the 1982 Budget Act, as amended, for the cost of modular units, as specified

The bill would take effect immediately as an urgency statute.

Ch. 933 (SB 253) Presley. Prisons

Existing provisions of the Public Contract Code govern contracting by state agencies.

This bill, in addition, would provide that contracts let by the Department of Corrections for the construction, erection, alteration, repair, or improvement of a state prison facility and for services, maintenance, and supplies shall have as statewide participation goals 13% minority business enterprise and 3% women business enterprise, as specified.

Existing law authorizes the Director of Corrections to establish and operate various correctional facilities

This bill would authorize the Director of Corrections to modify the percentage of inmate population of the Southern Maximum Security Complex to be employed by the Prison Industry Authority or to participate in vocational training. It would also authorize the director to use up to 50% of the cells of the facility for special cases, to choose to double occupy cells, and to vary inmate staff ratios, as specified. The director could implement those provisions only when the encumbrance of funds is authorized by the Department of Finance.

This provision would remain in operation until July 1, 1988, and would be repealed on January 1, 1989

Existing law requires that an environmental impact report be prepared for projects. However, existing law provides that there is no review period for a notice of preparation or response time, and provides that the review period for the draft report shall not exceed 30 days, for prison facilities at Avenal, Ione, and specified maintenance camps.

This bill would instead make those provisions applicable to expansion prison beds authorized by this bill It would also provide that an action for noncompliance with the California Environmental Quality Act may not be brought unless the grounds were presented orally or in writing by that person, except as specified. It would provide expedited court procedures for actions involving those facilities alleging noncompliance with the California Environmental Quality Act, and would make related changes. These provisions would be applicable only to the expansion beds, and would be repealed on January 1, 1988.

The bill would also provide that the California Environmental Quality Act does not apply to the addition of 150 beds at a specified location, if the Department of Corrections has made specified findings

This bill would also exempt activities or approvals necessary or incidental to new prison facilities located in Riverside County and Del Norte County from the California Environmental Quality Act, but would require the Department of Corrections to submit

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an environmental assessment study to the State Public Works Board, the Joint Legislative Prison Committee, and the appropriate boards of supervisors and city councils, and would require the approval of the study by the State Public Works Board

This bill would also provide that specified expansion beds, are actions necessary because of emergencies within the meaning of provisions exempting emergency actions from the California Environmental Quality Act

The bill would also provide that beds added to the California Institution for Men pursuant to a specified item of the Budget Act of 1985 shall be phased out by October 1, 1987, and would set forth legislative intent relative to reductions in specified portions of that facility.

This bill would authorize the Department of Corrections to increase by 500 beds the design capacity of specified facilities, would authorize the amendment of existing architectural and engineering contracts for that expansion, and would exempt that expansion from specified prisoner employment and committee approval requirements

The bill would authorize the Department of Corrections to establish, renovate, and construct 150 temporary Level I and Level II beds at a specified location

This bill would authorize the sale of 5 parcels of land near Adelanto that had been acquired for a prison

The bill would authorize the Department of Corrections to contract with sheriffs for the placement of inmates in county facilities, as specified

The bill would require the Department of Corrections to perform site suitability studies and evaluate the feasibility of constructing a prison in the vicinity of Yuba City and Marysville

The bill would make related changes.

The bill would appropriate $78,800,000 from the Reserve for Economic Uncertainties for specified purposes of the bill and would appropriate $125,000 from the General Fund for settlement of a specified lawsuit

The bill would take effect immediately as an urgency statute

Ch. 934 (AB 503) Stirling Confectionery. alcohol.

(1) Under existing law, a food is adulterated if it is a confectionery and it bears or contains any alcohol other than alcohol not in excess of ½ of 1% by volume derived solely from the use of flavoring extracts.

This bill would, instead, provide that a food is adulterated if it is a confectionery and it bears or contains any alcohol in excess of 5% by weight. It would prescribe that a food is misbranded if it is a confectionery and contains alcohol in excess of ½ of 1% by weight, and that fact does not appear on the label. It would require any food facility, as defined, which serves or sells over the counter directly to the consumer an unlabeled or unpackaged food that is a confectionery which contains alcohol in excess of ½ of 1% by weight to provide a notice to the consumer of that fact. It would require the State Department of Health Services to adopt regulations governing this notice requirement

Under existing law all of these changes would be misdemeanors and to that extent this bill would impose a state-mandated local program

Under existing law, it is unlawful for any person to sell, give, or furnish any candy, cake, cookie, or chewing gum weighing 5 ounces or less and which contains alcohol in excess of 2% by weight to any person under the age of 21 years

This bill would make it unlawful for any person to sell, give, or furnish any candy, cake, cookie, or chewing gum which contains alcohol in excess of ½ of 1% by weight to any person under the age of 21 years

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 935 (AB 59) Frizzelle. Medi-Cal stroke victims

Existing law provides for the Medi-Cal program, pursuant to which public assistance recipients and other low-income persons receive medical benefits

Existing law provides for inpatient intensive rehabilitation services, but does not contain provisions specifically relating to the provision of rehabilitation treatment to

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stroke victims.

This bill would provide that the Medi-Cal program shall cover rehabilitative services for the physically or cognitively impaired stroke patient for whom the medical prognosis and signs indicate potential for faster or more complete recovery, or maintenance or prevention of degeneration, in a variety of situations, including acute inpatient intensive rehabilitation immediately after the occurrence of stroke, inpatient maintenance for the chronically impaired in a hospital or long-term care facility, outpatient services in a rehabilitation clinic or an adult day health care center, and in-home care or home health agency services for the stroke patient at home.

Existing law defines medical necessity, for purposes of the Medi-Cal program, as services necessary to protect life or prevent significant disability

The bill would specify that these rehabilitation services shall be considered to fall within the definition of medical necessity.

Ch 936 (AB 214) Connelly. State bodies: open meetings

Existing law authorizes any interested person to commence an action by mandamus, injunction, or declaratory relief to stop or prevent violations or threatened violations of statutory provisions relating to open meetings of state bodies or to determine the application of those provisions.

This bill would authorize any interested person to commence an action by mandamus, injunction, or declaratory relief to determine if the action by the state body is null and void, within 30 days of the action by the state body. It would provide that any action taken in violation of the open meeting, notice, and specific agenda requirements shall not be determined null and void under certain specified conditions

Existing law authorizes a court to award reasonable attorneys' fees to a plaintiff where it is found the state body has violated provisions of law relating to open meetings, or to a prevailing defendant in cases in which the court finds the action was clearly frivolous and totally lacking in merit

This bill would authorize the award of reasonable attorneys' fees under specified circumstances in actions to determine null and void the actions of a state body

Ch. 937 (AB 337) M. Waters. School testing reporting of test scores

Existing law requires or authorizes the administration of various tests for specified purposes related to the proficiency of pupils and the effectiveness of the educational program

The bill would specifically authorize a school district to administer standardized achievement tests. A school district administering published standardized achievement tests that are norm-referenced would be required to report each pupil's individual score, in writing, to the pupil's parent or guardian, and to invite parents to contact an appropriate school employee for further information, as specified This bill would authorize the written report to be included with the mailing of the next pupil report card.

Ch 938 (AB 1029) Kelley Water conservation and reclamation projects.

Existing law provides protection against the loss of appropriative water rights as a result of water conservation efforts and provides certain financial assistance for water conservation and reclamation projects

Existing law also provides for the design, construction, operation, and maintenance by the Department of Water Resources of specified water development facilities as part of the State Water Resources Development System

This bill would generally authorize any water supplier or user that has an existing right which permits the supplier or user to sell water to enter into a contract to finance the conservation or reclamation of water and to sell the conserved or reclaimed water to another water supplier or user in accordance with specified provisions The bill would specify that water conservation and reclamation projects, as described, are eligible for specified state financial assistance These provisions would not be applicable to the State Water Resources Development System The bill would prescribe powers and duties of the department in this connection and would prescribe related matters, including submitting a specified report to the Legislature not later than 15 days after commencement of the next regular session of the Legislature

The bill would authorize the department to finance water conservation programs and

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facilities that reduce the demands by sponsoring state water supply contractors for project water from the State Water Resources Development System and which meet specified criteria as determined by the department. The bill would specify related matters.

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

The bill would appropriate $150,000 to the department for expenditure during the 1985–86 fiscal year for purposes of the bill

Ch 939 (AB 651) Tanner Hazardous substances compensation.

Under existing law, the funds in the Hazardous Substance Account ("California Superfund") may be appropriated by the Legislature for the payment, under specified circumstances, by the State Board of Control of any claim for compensation for 100% of uninsured medical expenses and 80% of lost wages and business income that were proximately caused by the release of hazardous substances.

This bill would also authorize the board to compensate the claimant for 100% of the fair market value of owner-occupied real property rendered permanently unfit for occupancy, under specified conditions, and 100% of the reasonable expenses incurred within 12 months of an evacuation order by a public agency, as determined by the board, due to the evacuation order. The bill would also provide that a loss is compensable from funds appropriated from the California Superfund ~~if the board makes certain findings, based upon a preponderance of the evidence, concerning whether the exposure of the claimant or the claimant's property to a release of a hazardous substance was of a nature and duration so as to cause the claimant's loss, and~~ [,]* for purposes of the compensation authorized by this bill, ~~that~~ [if]* the release or order occurred on or after January 1, 1986, and ~~that~~* the requirements and conditions precedent for compensation, as specified, have been met.

The bill would incorporate changes to Section 25375 of the Health and Safety Code, as amended by Chapter 104 of the Statutes of 1985, proposed by AB 2407, which would become operative only if this bill is enacted after AB 2407

Ch 940 (SB 421) Petris. Wills.

Under existing law, an adult of sound mind may make a will, while a person of judicially determined unsound mind can make no conveyance, as specified.

This bill would, subject to existing law relative to proof of mental incompetence or mental disorders, provide that a person is not mentally competent to make a will under specified circumstances

Ch. 941 (SB 776) McCorquodale. Write-in candidates.

Existing law provides that no person shall be considered a legally qualified candidate for any office or party nomination for a partisan office unless, among other things, that person is entitled to have his or her name placed on a general election ballot by having been nominated at the primary election or having been selected to fill a vacancy on the general election ballot.

This bill would include within the above provisions selection as an independent candidate.

Existing law provides, with respect to write-in votes, that any name written upon a ballot, including a reasonable facsimile of the spelling of the name, shall be counted if it is written in the blank space therefor, except as specified

This bill would require that the name of a write-in candidate be written by hand upon a ballot. It would provide that the use of pressure-sensitive stickers or methods other than handwriting of indicating the name of the write-in candidate are not valid, and that a name indicated by those methods shall not be counted.

Ch 942 (SB 138) Craven. State commissions' salaries.

Existing law prohibits the members of the Boating and Waterways Commission, the State Park and Recreation Commission, the State Historical Resources Commission, and the Off-Highway Motor Vehicle Recreation Commission from receiving any salary for their services as commissioners, but allows the members to be reimbursed for their actual and necessary expenses

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Under the Legislators' Retirement Law, the retirement allowance of a retired legislator who served as a legislator on or after 1967 is reduced by having that allowance based on a monthly salary of $500 if the legislator is serving in a salaried public office

This bill would allow the members of these commissions to receive a salary of $50 per day, with a maximum salary of $100 per month, which would be in addition to the reimbursement of expenses

Existing law provides that members of the California Horse Racing Board shall receive a per diem of $100 for each day spent in attendance at meetings scheduled by the chairperson of the board for the purpose of fulfilling the duties of the board, together with traveling and other expenses

The bill would, notwithstanding any other provision of law, authorize any member of these boards or commissions who is entitled to receive benefits from the Legislators' Retirement System to elect to forego the compensation as a member of the commission or board and, if the compensation is foregone, would prohibit reducing the member's retirement benefits and would prohibit requiring the member to be reinstated into the retirement system.

The bill would appropriate $13,000 for expenditure during the last half of the 1985–86 fiscal year for the purposes of paying the salaries and expenses of the members of the commissions as follows (1) $2,800 from the Harbors and Watercraft Revolving Fund to the Boating and Waterways Commission, (2) $8,100 from the General Fund, with $5,400 to the State Park and Recreation Commission and $2,700 to the State Historical Resources Commission, and (3) $2,100 from the Off-Highway Vehicle Fund to Off-Highway Motor Vehicle Recreation Commission.

Ch. 943 (AB 1614) Farr Agricultural pest control.

Existing law authorizes the county agricultural commissioner to revoke or suspend a pest control operator's registration if, among other things, the registrant violates specified laws relating to the possession or use of pesticides. Existing law also authorizes the commissioner or the Director of Food and Agriculture to order any registrant to cease operation of equipment or facility that is being used in violation of specified laws, and the commissioner may seek to enjoin the violation or threatened violation of the cease order Additionally, violation of these provisions is a misdemeanor, or the director may seek a civil penalty against the registrant

This bill would, in addition to any other civil penalty or fine, authorize the commissioner, on or after October 1, 1986, to levy a civil penalty, with notice and hearing requirements, of not more than $500 for each violation against a person who violates provisions relating to pest control operations or relating to pesticide recommendations and usage, pesticides and worker safety, the possession or use of pesticides that are not registered, and restricted materials The bill would specify an appeal process from the civil penalty

The bill would also require the director to adopt regulations, on or before October 1, 1986, to serve as guidelines to commissioners regarding the amounts of the fines that may be levied and to provide notification to a person to be fined, as specified.

Ch 944 (AB 1296) Killea Water

(1) Under existing law, extensive provisions regulate bottled water and vended water.

This bill would expand the definition of "water-vending machine" to include a device from which any operator or customer dispenses unit servings of water in bulk. It would also require the State Department of Health Services to adopt regulations with respect to inorganic and organic chemicals in water and standards with respect to the sanitary conditions surrounding the sale of bottled water and vended water and with respect to the design, construction, and sanitation of water-vending machines. The bill would also change the labeling requirements with respect to bottled water. Since existing law makes violation of any statute or regulation relating to bottled water and vended water a misdemeanor, this bill would have the effect of creating new misdemeanors, which is a state-mandated local program

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified

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Ch. 945 (AB 2216) Peace. Sex crime. punishment.

Existing law makes it a misdemeanor or felony for any person to cause the penetration of the genital or anal openings of another person by any foreign object, when 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 for the purpose of sexual arousal, gratification, or abuse.

This bill would recast the above provision by making it a felony, punishable by imprisonment in the state prison for 3, 6, or 8 years, for any person, except as stated below, to penetrate, in the manner stated above and for the above-stated purposes, 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. However, this bill would provide that if both the victim and the defendant at the time of the commission of the offense are confined to a facility for the mentally disordered, it would continue to constitute either a misdemeanor or felony for any person to commit the above offense.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would constitute a state-mandated local program since it would create a new crime.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 946 (AB 381) Seastrand. Securities.

Existing law regulates the sale of securities. Existing law generally requires a broker-dealer, before effecting any transaction in any security in this state, to have secured a certificate to act as a broker-dealer. Existing law provides that a broker-dealer licensed under federal law who is a member of specified organizations may be licensed by notification by filing an application, and that the certificate becomes effective on the third business day after the application is filed.

This bill would provide for the delay of the effective date of the certificate if the commissioner has instituted disciplinary proceedings or determines that a delay is necessary to determine if disciplinary proceedings should be instituted

Existing law provides for disciplinary actions against officers, directors, partners, agents, and employees of licensed broker-dealers.

This bill would provide for disciplinary actions against officers, directors, partners, agents, and employees of broker-dealers

Existing law provides that any person who violates the Corporate Securities Law of 1968 is liable for a civil penalty not to exceed $2,500

This bill would also provide for a civil penalty for a violation of a rule or order under that law, and would require actions to enforce those liabilities to be brought within 4 years after the violation.

Existing law provides that the Commissioner of Corporations and the commissioner's assistants, clerks, or deputies during their employment shall not be interested in any person who, during the official's or employees' association with the Department of Corporations, was licensed as a broker-dealer, agent, or investment adviser, or applied for or secured the qualification of securities However, with respect to the commissioner, that provision does not prohibit holding securities in a management account or blind trust, as specified, and with respect to others, does not prohibit holding or purchasing securities in accordance with conflict-of-interest rules.

This bill would eliminate the provision that limits the prohibition to interests occurring during terms of employment As to the commissioner, it would, in addition to permitting holding securities in a management account or blind trust, provide that that requirement does not apply to securities exempt from qualification requirements that are purchased or held in accordance with conflict-of-interest rules, as specified

Existing law sets various fees under the Corporate Securities Act of 1968 Certain fees are determined based on the value of securities sold

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This bill would determine those fees based on the value of securities proposed to be sold.

Existing law provides for fees for broker-dealers, but sets a minimum fee of $150.

This bill would eliminate the minimum, and would require the commissioner in determining the fee to consider all appropriations and reimbursements.

Existing law regulates the sale of franchises and provides that the commissioner may order persons who offer franchises for sale without the offer being registered to desist and refrain.

This bill would require a request for a hearing on the order to be made within one year.

The bill would also provide for a civil penalty not to exceed $2,500 for a violation of the Franchise Investment Law or a rule or order made under that law.

The bill would, in addition, make some technical, nonsubstantive changes to the law regulating the sale of securities.

Ch. 947 (AB 824) Margolin. Safety in employment: carcinogen standards.

Existing law provides for the Occupational Carcinogens Control Act of 1976, in the Health and Safety Code, under which standards are required to be adopted by the Occupational Safety and Health Standards Board concerning the use of specified carcinogens in places of employment, and which provides that these standards are to be enforced by the Division of Occupational Safety and Health in the Department of Industrial Relations.

This bill would move the Occupational Carcinogens Control Act of 1976 from the Health and Safety Code to the Labor Code.

Existing law provides that where it has been established that a serious violation of these standards has occurred, a civil penalty of $1,000 must be assessed against the employer.

This bill would raise the amount of the civil penalty which must be assessed for serious violations to $2,000.

Existing law provides that the civil penalty assessed against an employer for repeated violations of these standards shall be not less than $5,000.

This bill would, in addition, provide that the civil penalty assessed against an employer for repeated serious violations of these standards shall be not less than $10,000.

Ch. 948 (AB 2301) Wright. Support orders.

Existing law, the Revised Uniform Enforcement of Support Act of 1968, provides a procedure for the registration and enforcement of foreign support orders and for the enforcement of support orders where the obligee is in one county in this state and the obligor resides in another county.

This bill would provide that the procedure for the registration and enforcement of foreign support orders also is applicable to the enforcement of foreign orders for the assignment of wages for the satisfaction of a support order, as specified.

This bill also would require that in any case in which a support order issued in one county of this state is registered in another county, the obligee shall serve a copy of any subsequent modification of the order on the rendering court, by mail.

Ch. 949 (AB 2327) Stirling Criminal actions: continuances.

Existing law provides that all criminal proceedings must be set for trial, heard, and determined at the earliest possible time. To that end, continuances are only granted after specified procedures are followed and for good cause. Existing law also requires a specified 2-court-day notice to opposing counsel of intent to seek a continuance based upon inability of a defendant or witness to appear, and authorizes the imposition of a penalty by the court for a violation.

This bill would recast the provisions of existing law. It would declare that excessive continuances contribute substantially to criminal court congestion, cause substantial hardship to victims and other witnesses, and lead to longer periods of presentence confinement for those defendants in custody and the overcrowding and increased expenses of local jails.

The bill would require the notice to be filed and served on all parties to the proceeding in all cases within 2 court days of the hearing sought to be continued. However, it would

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allow a party to make a motion for a continuance without complying with the notice requirements. Unless the moving party shows good cause, as established in a separate judicial hearing, for the failure to comply with the notice requirements, the court would be authorized to impose revised sanctions when the moving party is the prosecuting or defense attorney The bill would also require the prosecuting attorney and the defense attorney to notify their respective witnesses of the notice of motion for a continuance, the date of the hearing, and the witnesses' right to be heard, thus creating a state-mandated local program.

It would revise the provision regarding consideration of prior commitments of witnesses when a court considers good cause for a continuance, and it would provide that facts as to inconvenience, as well as prior commitments, may be offered by a witness or a party.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 950 (AB 1499) Leonard Bighorn Mountains Water Agency

Under the Bighorn Mountains Water Agency Law, the Bighorn Mountains Water Agency is a special agency created to develop water supplies for the benefit of the agency.

This bill would authorize the agency to use the Improvement Bond Act of 1915 for the construction of any facilities authorized to be constructed by the agency.

The bill would also authorize the agency to prescribe, by ordinance, a system of water system connection charges and a refunding mechanism

The bill would also authorize the agency to exercise all powers of a county water district to finance the acquisition of waterworks and related interests and to fund construction, maintenance, or operation of new waterworks systems constructed after January 1, 1986.

The bill would also increase the maximum permissible water standby or availability charge for Improvement District "B" of the agency and for any improvement district formed after January 1, 1986, from $10 to $30 per year for each acre of land or for each parcel of less than one acre

Ch 951 (AB 1580) McAlister. Credit unions: trust accounts.

(1) Existing law specifies mandatory officers of a credit union which is issued a certificate to operate by the Commissioner of Corporations.

This bill would authorize a chief financial officer to be substituted for the treasurer. The bill would expressly permit other offices to be created by the bylaws or by board resolution The bill would require the chief financial officer to post a specified fidelity bond and would exempt the assistant treasurer from the requirement. The bill would make related conforming changes

(2) Existing law requires credit union bylaws to prescribe the manner in which the regular reserve will be accumulated.

This bill would delete that requirement.

(3) Under existing law, the supervisory committee of a credit union is required to call a special membership meeting when the credit manager is suspended.

This bill would delete that requirement

(4) Existing law specifies eligible investments for credit unions.

This bill would additionally authorize investments permitted by regulation of, or authorized in writing by, the Commissioner of Corporations.

(5) Existing law requires proxy forms distributed to 10 or more of the members of a credit union with 100 or more members to include provision for specified voting instructions.

This bill would make these requirements applicable to all credit unions, regardless of size, but would exempt 3-year solicited proxies The donor of a 3-year solicited proxy would, however, be entitled to be advised, as specified, of matters and groups of related matters on which the proxy may be voted The bill would limit a presumption of validity to those proxies meeting specified provisions of the Financial Code

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(6) Existing law, with certain exceptions, prohibits credit unions from exercising trust powers

This bill would expressly recognize the authority of credit unions to exercise trust powers under the California Multiple Party Accounts Law, and would authorize credit unions to act as trustee or custodian with respect to a deferred compensation plan for credit-union employees

(7) Existing law regulating credit unions classifies comakers of an obligator, other than the borrower, as indorsers

This bill would reclassify these persons as sureties.

Ch 952 (AB 448) Moore Health facilities

(1) Existing law does not require a health facility to disclose any significant beneficial interest the facility has in an ancillary health service provider, or any significant beneficial interest an ancillary health service provider has in a health facility, in writing to the patients of the health facility or to the customers of the ancillary health service provider or their representatives, and to advise the patients or customers, or their representatives, as the case may be, that they may choose to have another ancillary health service provider or health facility provide any supplies or services ordered by a member of the medical staff of the health facility.

This bill would impose those requirements on specified types of health facilities and would define an "ancillary health service provider" for those purposes. This requirement would impose a state-mandated local program on local governments that operate those types of health facilities A violation of this provision would also be a misdemeanor and thus, this bill would impose a state-mandated local program upon local governments by creating a new crime.

(2) Existing law does not prohibit a health facility from charging, billing, or otherwise soliciting payment from a patient on behalf of, or referring a patient to, another health facility in which the health facility has a significant beneficial interest unless that facility first discloses to the patient that there is such an interest and advises the patient that the patient may choose to have another health facility provide the supplies or services ordered by a member of the medical staff of the health facility.

This bill would impose that requirement A violation of this provision would be a misdemeanor and thus, this bill would impose a state-mandated local program upon local governments by creating a new crime.

(3) Existing law requires skilled nursing facilities to establish written policies regarding the rights of patients and to notify the patients of those rights

This bill would include the above notification requirements within those rights

(4) The bill would specify that the disclosures required to be made by paragraphs (1) to (3), inclusive, do not apply if the patients or customers, as the case may be, are enrolled in organizations which provide or arrange for the provision of health care services in exchange for a prepaid capitation payment or premium

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 953 (AB 878) Kelley Agriculture

(1) Under existing law, the Cotton Pest Control Board is appointed by the Director of Food and Agriculture to assist and advise him or her on matters pertaining to the control of cotton pests The director may contract with the United States Department of Agriculture to control, suppress, or eradicate cotton pests in this state, Arizona, and Mexico to prevent the entry or establishment of cotton pests in this state

This bill would authorize an entity designated by the board to so contract with that department, and would require any such designation by the board to be made not later than May 1 of any year By authorizing another entity to so contract, the bill would make an appropriation since funds in the Department of Food and Agriculture Fund for the

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control of cotton pests are continuously appropriated.

(2) Existing law requires every cottongrower in the state to pay a fee of $2 per bale, as specified, to the director for cotton pest control. The funds received are deposited in the Department of Food and Agriculture Fund

This bill would instead authorize the board, a state agency, to designate the entity to receive payments of the fees. The bill would require that the amount received from fees and other sources of income be deposited and handled in a manner determined by the board and would authorize the board to hire personnel and contract for services to carry out the pest control provisions The bill would require that the amount received by the board be used exclusively to control pink bollworm or other related cotton pests

(3) Existing law authorizes the director, to adopt regulations regarding container and certification requirements for avocados handled in this state, and in this regard the director is required to accept the recommendation of the Avocado Inspection Committee as specified

This bill would authorize the California Avocado Commission to conduct the duties relating to these requirements, and the committee would be an advisory committee to the commission in this case. By authorizing the commission to perform these duties, the bill would make an appropriation since funds in the Department of Food and Agriculture Fund for the regulation of avocados are continuously appropriated The bill would require the director to be reimbursed for expenditures in carrying out his or her regulatory duties with respect to avocados.

(4) Existing law describes the areas of administration granted to the commission

This bill would add quality and maturity standards to those areas and specify the method for adopting quality standards

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

Ch 954 (AB 1539) Seastrand. Community care and elderly care facilities

Existing statutory law makes no requirement concerning the visitation policies of community care facilities

This bill would require each residential community care facility to post notice of its visiting policy at a location in the facility that is accessible to residents and families The bill would also require the facility to design its policy to encourage regular family involvement with the resident client and participation in activities at the facility.

The bill would impose a similar requirement on residential care facilities for the elderly, as provided for by SB 185, to be operative only if that bill is chaptered

This bill would impose a state-mandated local program by imposing the above requirements on facilities of local agencies

This bill would also impose a state-mandated program because the violation of its provisions constitutes a misdemeanor

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 955 (AB 2079) Allen Commercial fishing reports

(1) Existing law requires persons engaged in the business of processing or dealing in fish, as specified, and certain fishermen to prepare, retain, and deliver certain confidential receipts and reports regarding those fish

This bill would extend the period certain receipts are required to be retained by the fishermen and processors and available for inspection by the Department of Fish and Game from 6 months to one year The bill would also require fishermen and others to retain receipts which are not specifically required to be retained under existing law The bill would require an unlicensed person taking, purchasing, or receiving fish, mollusks, or crustaceans from a fisherman to sign the receipt.

The bill would also require fishermen who transport fish, or who give them to other persons for transportation, to prepare a confidential transportation receipt at the time

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the fish are brought ashore The bill would provide for distribution of copies of the receipt.

The bill would also authorize the Fish and Game Commission to suspend or revoke the commercial fishing privileges or the license of specified fish processors convicted of violating those receipt and record preparation and retention requirements

(2) Violations of the Fish and Game Code are, generally, misdemeanors

This bill, by creating new crimes, would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 956 (AB 1595) McAlister. Banks: insider transactions

(1) Existing law makes it a felony for any director, officer, or employee of a bank to knowingly overdraw his account with the bank in order to obtain the funds of the bank. Existing law also makes it a felony for a director, officer, or employee of a bank, bank holding company, or subsidiary of a bank to receive a loan in violation of specified provisions, and prohibits a bank from making such a loan.

This bill would repeal the provisions regarding overdrafts, and would expand the provisions regarding loans by making them apply, instead, to extensions of credit, as defined. The bill would impose a state-mandated local program by changing the definition of a crime

(2) Existing law incorporates as state law specified provisions of federal regulations, with certain designated exceptions, relating to loans to executive officers, directors, and principal shareholders of member banks.

This bill would revise the application of those federal regulations by adding, deleting, and modifying the scope of the provisions incorporated, and would further define various terms involved.

(3) Existing law exempts from the general requirements for the adoption of administrative regulations, a regulation adopted by the Savings and Loan Commission which extends to a state savings and loan association any right, power, privilege, or duty extended to federal savings and loan associations doing business in this state

This bill would extend this exemption to regulations adopted by the Superintendent of Banking which parallel changes in specified provisions of federal regulations incorporated in state law

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 957 (AB 587) Felando. Hemodialysis technicians.

Existing law requires the State Department of Health Services to prescribe minimum training standards for hemodialysis technicians and authorizes hemodialysis technicians to perform venipuncture and arterial puncture for purposes of providing dialysis treatment for a patient and to administer specified medications.

This bill would state that any hemodialysis technician or trainee who has completed a local training program at a dialysis clinic or dialysis unit shall be eligible to take a state-approved test which accurately tests the proficiency of personnel in training on the type of dialysis and equipment utilized at the dialysis clinic or dialysis unit, and a standardized test developed by the department to measure the technician's competency to administer specified medications, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 958 (AB 965) Farr Snow avalanche blasting licenses

Existing law requires that at every place of employment where explosives are used in the course of the employment there shall be a person licensed by the Division of Occupational Safety and Health as an explosive blaster to supervise and direct the

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blasting operation.

This bill would require that the explosive blaster be at the place of employment to supervise and visually direct, rather than direct, the blasting operation

Existing law requires the division to administer an oral and written examination to persons seeking to obtain an explosive blasters license.

This bill would require the division to develop and administer an oral and written examination for persons using explosives, as defined, while engaged in snow avalanche blasting, would require any person engaged in snow avalanche blasting to pass this examination prior to being licensed by the division, and would require the division to select a specified advisory committee to assist the division in preparing the data and information for the written and oral qualifying examination.

This bill would impose a state-mandated local program by requiring local public agencies to have a licensed snow avalanche blaster present when engaging in snow avalanche blasting operations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Ch. 959 (AB 28) Bane. Traffic violator schools

Under existing law, the Department of Motor Vehicles is required to license schools for traffic violators and traffic violator school instructors A court is authorized to order any person issued a notice to appear for a traffic violation, with the consent of that person, to attend a licensed school for traffic violators or a licensed driving school.

This bill would, notwithstanding any other provision of law, prohibit on and after September 1, 1985, attendance at a school for traffic violators ordered by a court from being included in the computing of average daily attendance of any school district, community college district, or other public educational institution for purposes of allocation of state funds.

The bill would take effect immediately as an urgency statute

Ch. 960 (AB 1387) Lancaster Superintendent of banks· assessments.

Existing law authorizes the Superintendent of Banks to levy annual assessments on banks, trust companies, and specified trust departments. Under existing law these assessments are required to be paid within 30 days.

This bill would require the superintendent to mail or otherwise deliver an invoice for these assessments. The bill would also permit installment payments of bank and trust-company assessments exceeding $30,000, and would increase these assessments, as specified. Since the revenues produced by these increased assessments would be deposited in the State Banking Fund, which is continuously appropriated, this bill would constitute an appropriation.

Ch. 961 (AB 1488) Mountjoy. Mortgage subsidy bonds

(1) Existing law requires the Mortgage Bond Allocation Committee to allocate the amount of tax exempt mortgage bonds that may be issued in this state among state and local agencies.

This bill would treat an apportionment of any allocation by a local agency as separate allocations for purposes of use and expiration, as specified, if one portion is to be used to provide financing for loans for home acquisition and the other portion is to be used for loans for home improvement and rehabilitation.

(2) Existing law requires, and a provision of law that will become operative June 30, 1987, will require, each city or county that finances housing under specified provisions

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to allocate a certain amount of the bond proceeds to fund loans for the purchase of homes where the purchaser will be the first occupant or for substantial rehabilitation, as defined.

This bill would make both the existing provision of law and the provision that will become operative June 30, 1987, inapplicable if all of the bond proceeds are allocated to fund loans for home improvement or substantial rehabilitation

Ch 962 (AB 2055) Katz Crimes

Existing law contains specified crimes and other remedies relative to intimidation or dissuasion of a victim or witness from attending or giving testimony at a trial or other proceeding Existing law also authorizes the death penalty for intentional killing of a witness or victim to prevent, or in retaliation for, testimony in a criminal proceeding, and makes it a misdemeanor to willfully threaten to use force or violence upon the person of a witness to a crime or a victim of a crime or any other person, or to damage or destroy any property of any witness, victim, or any other person, because the witness, victim, or other person has provided any assistance or information to a law enforcement officer, or to a public prosecutor in a criminal proceeding or juvenile court proceeding.

This bill would contain a specified declaration of legislative intent, and would make it a crime for a person convicted of specified offenses to willfully and maliciously communicate to a victim or witness of the crime for which the person was convicted a credible threat to use force or violence on that victim or witness or that victim's or witness' immediate family.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 963 (AB 1425) Tucker. Health.

Existing law establishes the State Maternal, Child, and Adolescent Health Board within the State Department of Health Services to advise the State Director of Health Services and perform other duties relating to the health of mothers, children, and adolescents. Existing law also requires the establishment of local maternal, child, and adolescent health boards to assist counties on programs relating to the health of mothers, children, and adolescents. Existing law would repeal these provisions January 1, 1986.

This bill would revise the powers, duties, and responsibilities of the board and would, instead, repeal these provisions on January 1, 1992

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by continuing local maternal, child, and adolescent health boards to which the local health officer is required to provide support staff and services from state or federal funding and whose members are required to be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 964 (AB 2076) Allen Schools: work experience

(1) Existing law authorizes any school district maintaining a high school to provide work experience educational programs for pupils enrolled in its schools, as prescribed

This bill would authorize the governing board of each school district offering work experience education programs to provide for independent onsite program reviews of work experience education programs at least once every 3 years for each school in the district offering these programs This bill would specify that if the governing board elects to provide for an independent onsite review, it shall not be required to participate in

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the federally required consolidated compliance review conducted by the State Department of Education.

This bill would authorize the governing board of 2 or more school districts to establish a consortium for purposes of facilitating the program reviews required by this bill, as prescribed This bill would authorize the Superintendent of Public Instruction to determine whether the size of a school district would be counterproductive to the establishment of a consortium, thereby making it advisable that the district is reviewed by its own certified program reviewers This bill would authorize reviewers, in cases in which the Superintendent of Public Instruction has determined that onsite review shall be conducted by reviewers from that district, to conduct reviews in any school of the district other than the school in which they are employed The bill would prohibit reviews by persons employed by the district in all other onsite reviews This bill would require each consortium to review work experience education programs in participating school districts, and to submit a report on the results of the program review to the governing board of the school district, the State Department of Education, and the Work Experience Education Consortia Steering Committee established under this bill

This bill would require the Superintendent of Public Instruction to establish a Work Experience Education Consortia Steering Committee comprised of certificated representatives of consortia of school districts established under this bill This bill would require the steering committee, in consultation with the Superintendent of Public Instruction, to develop materials for use by participating school districts, as prescribed, and would require the steering committee to contract with appropriate personnel to conduct in-service training programs for work experience education teachers and coordinators conducting school site program reviews, as prescribed This bill would require the steering committee to recommend a followup review for schools that have not met prescribed program quality criteria, and to prepare a report on the areas of program compliance and noncompliance to the State Department of Education and the governing board of each school district reviewed This bill would require the steering committee to submit an annual report by March 1 of each year to the State Department of Education and the Legislature, as prescribed

(2) This bill would appropriate $126,000, including administrative costs, from the General Fund to the State Department of Education for costs incurred by the department in implementing the provisions of this bill This bill would state the legislative intent that equivalent funding for these purposes shall be included in the Budget Act for the 1986–87 and 1987–88 fiscal years. This bill would authorize the State Department of Education to contract for administrative services provided for work experience education program quality reviews

Ch. 965 (AB 2104) Killea History documentation and historical property

(1) Existing law authorizes the Secretary of State to contract with the Regents of the University of California for the Regional Oral History Office of the Bancroft Library to conduct a governmental history documentation project.

This bill instead would authorize the Secretary of State to conduct under the administration of the State Archives a regular governmental history documentation program and would require the secretary to prescribe professional standards for the accomplishment and governance of the program

(2) Existing law defines qualified historical property and requires the Department of Parks and Recreation to adopt rules and regulations concerning criteria for qualified historical property Existing law refers to this definition of qualified historical property and authorizes a city, county, or city and county to create historic zones and to contract with the owners of qualified historical property within these zones to restrict the use of the property to uses consistent with its characteristics as property of historical significance for a minimum period of 20 years Under existing law, qualified historical property, as described above, is valued for property tax assessment purposes by the capitalization of income method pursuant to a specified formula

This bill would change the definition of qualified historical property It would delete any reference to the requirement of creating a historic zone and, instead, would refer solely to the contract It would delete some of the existing criteria for a contract It would require the contract to be for a minimum period of 10 years instead of 20 It would cross-reference the new definition of qualified historical property for purposes of the

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provisions relative to valuation of this property for property tax assessment purposes This bill would permit the city, county, or city and county entering into a contract to require the property owner to pay a fee not to exceed the reasonable cost of administering the program.

(3) The bill would appropriate $85,000 from the General Fund to the Secretary of State for purposes of the governmental history documentation program authorized by the bill.

Ch. 966 (AB 764) Sher. Prison industry.

Under existing law the Prison Industry Authority develops and operates enterprises employing prisoners.

Existing law authorizes the Prison Industries Board to borrow money for various purposes. It authorizes funds to be borrowed from the State Treasury. Existing law also authorizes the Pooled Money Investment Board to lend money to finance the establishment of a new enterprise.

This bill would require the Pooled Money Investment Board to require the Prison Industry Authority to demonstrate specified matters prior to granting a loan.

The bill would create the New Industries Revolving Account in the Prison Industries Revolving Fund to receive General Fund or other public money for the purpose of financing new enterprises or the expansion of existing enterprises, thereby constituting an appropriation

The bill would become operative only if AB 727 is also enacted, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 967 (AB 768) Bradley. Migrant labor. farm labor centers.

Existing law provides for activities of the Department of Housing and Community Development, including a program of grants to local public entities and nonprofit corporations for the construction or rehabilitation of housing for agricultural employees and their families, which grants are required to be matched.

Existing law, which became effective on January 1, 1985, also requires the department to develop 3 state-operated migrant farm labor camp centers of 100 family units each in Imperial, San Diego, Riverside, and Madera Counties, specifies the priority order for development of those centers if the Legislature does not appropriate sufficient funds to finance the development of all 3 centers, and makes legislative findings relating thereto. Existing law also requires the department to report to the Legislature every 6 months on specified items.

This bill would repeal the law which became effective January 1, 1985, and reenact it with specified changes and would make an appropriation of $1,400,000, to carry out its provisions.

Ch. 968 (AB 2266) Isenberg. Insurance: hospital service contracts.

Existing law authorizes the issuance of group hospital service contracts if written under a master hospital service contract subject to specified conditions, including, in the case of issuance to an association, a requirement that the contract cover not less than 50% of all eligible members. Under existing law, group disability insurance may also be issued to associations which meet specified conditions.

This bill would reduce that amount of coverage to not less than 25% of eligible members or class of members, in the case of group hospital service contracts. It would also authorize the issuance of a group hospital service contract or a group disability insurance policy to an association or associations, which meets specified criteria, or to a trust, or to the trustees of a fund, as specified.

The bill would also state legislative intent.

Ch 969 (AB 2493) Costa. Rural products: marketing.

Existing law generally authorizes the Director of Food and Agriculture to advise producers and distributors of agricultural products and to assist them in economical and efficient distribution of any product at fair prices Existing law does not specifically authorize the director to assist producers in direct marketing of products to consumers

This bill would make legislative findings and would authorize the director to adopt regulations to allow and encourage the direct sale by farmers to consumers of all types

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of agricultural products, as specified.

Ch 970 (AB 1654) Areias. Harvesting: contracts

Existing law prescribes a system of investigations and hearings for disputes between agricultural producers and processors in which the Director of Food and Agriculture may revoke the license of the processor under specified circumstances. Under existing law, one of those circumstances is the failure or refusal of a licensed processor or agent of the processor to furnish or provide harvesting services contracted to be done in connection with the farm product handled.

This bill would specifically require, upon the verified complaint of a producer, the director to investigate, examine, or inspect any transaction which involves the failure of a processor who contracts to harvest a producer's crop to fulfill the terms of the contract

Ch 971 (AB 1853) Elder Insurance· blindness.

Existing law prohibits an insurer issuing, providing, or administering any contract of individual or group insurance providing life, annuity, or disability benefits from refusing to insure or continuing to insure, or limiting the amount, extent, or kind of coverage, or charging a different rate, solely because of blindness or partial blindness, as defined, or a physical or mental impairment, except where based on sound actuarial principles or when related to actual and reasonable anticipated experience

Existing law also provides that no health care service plan issuing, providing, or administering any individual or group health care service plan entered into, amended, or issued on or after January 1, 1981, shall refuse to cover, or refuse to continue to cover, or limit the amount, extent or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on sound actuarial principles applied to actual experience, or, if insufficient actual experience is available, then to sound underwriting practices.

This bill would, with respect to blindness or partial blindness, specify that on or after January 1, 1986, no insurer providing the above benefits and no health care service plan shall refuse to insure or cover, or refuse to continue to insure or cover, or limit the amount, extent, or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of blindness or partial blindness.

The bill would also express a legislative intent that, with respect to all other conditions, including the underlying cause of blindness or partial blindness, blind or partially blind persons shall be subject to the same standards of sound actuarial principles or actual and reasonably anticipated experience as are sighted persons.

Ch 972 (AB 286) Floyd. Veterans Bond Act of 1986.

This bill would enact the Veterans Bond Act of 1986 to authorize $850,000,000 in state bonds for farm, home, and mobilehome purchase assistance for veterans, and would provide for submission of the act to the people at the June 3, 1986, direct primary election, to take effect upon adoption by the voters at that election.

The bill would also enact certain procedural provisions governing the submission of the Veterans Bond Act of 1986 to the voters at the June 3, 1986, direct primary election, and these provisions would take effect immediately as an urgency statute.

Ch 973 (SB 1297) Royce. Cost of transcripts.

Under existing law, the Office of Administrative Hearings (OAH) is required to be fully funded by the fees which it levies upon its client agencies The OAH provides, among other services, full transcripts of administrative proceedings to deny, suspend, or revoke a license pursuant to the Administrative Procedure Act upon request by an applicant or licensee. While current law limits the charge to be levied upon the requesting party, the affected board or bureau is obligated to pay the difference from its fund directly to the OAH

Existing law provides that upon the request of the petitioner for the complete record of the proceedings, the petitioner is required to pay a fee for the transcript, the cost of preparation of other portions of the record, and for certification.

This bill would provide that thereafter, the remaining balance of any costs or charges

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for the preparation of the record shall be assessed against the petitioner whenever the agency prevails on a judicial review This bill would also provide that these charges constitute a debt of the petitioner which is collectible by the agency in the same manner as in the case of a contract, and that no license shall be renewed or reinstated where the petitioner has failed to pay all of these costs and charges.

This bill would also require that in the event the petitioner prevails in the mandamus action, the agency would reimburse the petitioner for all costs of transcript preparation, compilation of the record, and certification.

Ch. 974 (SB 1305) Beverly. Creditors' remedies· obligations secured by both real and personal property

Under existing law, if an obligation is secured by both real property and personal property or fixtures, the secured creditor may pursue separate remedies with respect to the personal property security and real property security, or the creditor may proceed against the entire security in the manner prescribed for proceeding against real property security However, existing law precludes more than one form of action for recovery of any debt secured by a mortgage or deed of trust on real property. Other provisions of existing law preclude deficiency judgments for certain debts secured by real property. Existing law also permits a debtor to cure a default, with respect to an obligation secured by a deed of trust or mortgage on real property, within 3 months of recording the notice of default.

This bill would specify, with respect to obligations secured by both real property and personal property or fixtures, that the creditor may exercise several remedies. These would include (1) separate proceedings in any sequence against the real property security and against the security that is personal property or fixtures, (2) an action for the judicial or nonjudicial foreclosure of some or all of the real property that would also include some or all of the personal property or fixtures, and (3) separate proceedings against a portion of the personal property or fixtures as provided in (1) and another portion thereof as provided in (2).

With prescribed exceptions, this bill would specify that provisions and limitations applicable to real-property collateral or security would not affect the exercise of rights and remedies under the Commercial Code as to security comprising personal property or fixtures The bill would permit secured creditors to pursue remedies with respect to real property security while pursuing other remedies, except that the real property encumbrance would become unenforceable if the creditor obtains a monetary judgment on the debt, as defined, against the debtor. The bill would prescribe specified consequences of the creditor's realization of proceeds from the disposition of collateral that is personal property or fixtures

The bill would make title that is acquired by a purchaser of real property sold in foreclosure pursuant to the bill, free from defects based upon noncompliance with Commercial Code provisions on defaults with respect to secured transactions, if (1) the purchaser is the secured party and the noncompliance was in good faith, or (2) the purchaser is not the secured party and did not have actual knowledge, at the time of the foreclosure sale, of the noncompliance and that it occurred other than in good faith The bill would similarly free a subsequent purchaser's title from any subsisting defect based upon noncompliance with such Commercial Code provisions if the subsequent purchase is for value and, at the time of the subsequent purchase, the subsequent purchaser has no actual knowledge of the noncompliance and that it occurred other than in good faith.

Ch 975 (SB 1320) Marks Service credit-STRS· maternity leaves.

The existing State Teachers' Retirement Law authorizes a member to elect to receive certain additional service credits if the member makes specified contributions therefor and interest thereon, as specified.

This bill would authorize the election for additional service credit for time spent on approved maternity or paternity leave of 2 years or less in duration.

This bill would also authorize therefor, 2 limited-term positions for the period from January 1, 1986, to June 30, 1987, and appropriate therefor, $36,980 from the Teachers' Retirement Fund for the last 6 months of fiscal year 1985–86, as specified.

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Ch. 976 (SB 1321) Craven. Mobilehomes.

(1) Under the existing Mobilehome Parks Act, various requirements are established relating to the construction, maintenance, occupancy, use, and design of mobilehome parks.

This bill would provide under the act that mobilehome park lot lines shall not be created, moved, shifted, or altered without the written authorization of the local planning agency and the occupant or occupants, if any, of the affected space or spaces The bill would also provide that lot lines shall not be created, moved, shifted, or altered so as to place an occupant of a mobilehome space or lot in violation of mobilehome separation or space requirements. An existing statute would make violation of these proposed provisions a misdemeanor which is a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 977 (AB 340) Costa. Public social services.

Existing law provides for partnership programs between the state and counties

This bill would state legislative findings and declarations that counties are utilizing general purpose revenue in greater proportions in order to meet the matching requirements of federal- and state-mandated programs forcing them to make undesirable spending reductions in essential services.

This bill would appropriate for each of the fiscal years 1985–86 and 1986–87, $8,684,600 from the General Fund to the Controller to be distributed on or before February 1, 1986, and February 1, 1987, in accordance with a schedule, as specified.

Ch 978 (SB 166) Rosenthal Air pollution emissions· cogeneration technology projects: qualifying facilities: resource recovery projects.

(1) Existing law requires air pollution control districts and air quality management districts, notwithstanding new source review or prevention of significant deterioration rules, to issue permits for the construction of cogeneration technology projects and resource recovery projects producing 50 megawatts or less of electricity and specified resource recovery projects producing more than 50 but less than 80 megawatts, if specified conditions are met. Cogeneration technology projects producing more than 50 megawatts are required to be permitted if they meet specified offset requirements A district is required to provide, and periodically revise as appropriate, the necessary mitigation for cogeneration technology projects and resource recovery projects smaller than 50 megawatts expected to be permitted by 1987.

This bill would repeal these provisions. The bill would revise the definition for resource recovery projects The bill would prohibit a district from requiring emissions offsets under its permit system for cogeneration technology projects or qualifying facilities, as defined, if specified conditions are met It would impose a state-mandated local program by requiring districts to provide, and periodically revise as appropriate, the growth allowances necessary to accommodate the net air quality impact, if any, of cogeneration technology projects and resource recovery projects which are expected to be permitted by January 1, 1987, and subsequent periods thereafter, except as specified for districts which lack a federally approved demonstration of attainment for national ozone and nitrogen dioxide standards

The bill would also impose a state-mandated local program by requiring districts to issue permits for construction of projects which burn municipal waste, landfill gas, or digester gas, if the projects are under 50 megawatts or, in certain cases, are under 80 megawatts. A district would be required to develop appropriate permit conditions for these projects and to submit determinations and supporting analyses to the State Energy Resources Conservation and Development Commission for use.

(2) Existing law requires a district, in considering the offset requirement for a cogeneration technology project, to include the incremental emissions benefit of the project. The districts and the State Air Resources Board are required to determine the offsets resulting from the incremental emissions benefits, including an accounting of the electrical generation credits.

The bill would repeal these provisions and would instead impose a state-mandated local program by requiring a district to reduce the offset requirement for a cogeneration

technology project or qualifying facility meeting certain requirements by the amount of utility displacement credits determined by the districts, in cooperation with the state board It would require that utility displacement credits be determined each year and used by districts in issuing permit applications for new cogeneration technology projects and qualifying facilities for the following year in accordance with specified requirements. A district would be required to allocate at least 90% of the available utility displacement credits to cogeneration technology projects and qualifying facilities meeting specified requirements The bill would prohibit a district from requiring a utility that is not an applicant for a permit to furnish emission offsets, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 979 (AB 1258) Campbell Failure to appear: criminal case.

Under existing law, the willful disobedience of any lawful order or process of a court constitutes a contempt, punishable, as specified. Existing law also provides for the forfeiture of bail or other property and the issuance of a bench warrant when a defendant fails to appear. Also, in specified cases, the failure to appear in court is a crime, and in other cases a court may impose a penalty upon an attorney who fails to notify opposing counsel of intent to seek a continuance based on inability of a witness or defendant to appear.

This bill would, in addition to any other penalty in criminal cases, authorize the court to impose a civil assessment of up to $250 against any defendant who fails, after notice, to appear in court for any proceeding authorized by law The assessment would be subject to provisions of law governing defense and the collection of civil money judgments generally.

Ch. 980 (AB 1225) Roos Security guards.

(1) Existing law requires a private patrol operator to report to the Director of Consumer Affairs when any licensee or officer, partner, or employee is involved in an incident involving the discharge of a firearm

This bill would also require a report when there is a physical altercation, as specified.

(2) Existing law requires every person entering the employment of a private patrol operator to perform the functions of a security guard or security patrolperson to complete a course in the exercise of the power to arrest prior to assignment to a duty location. The course of training may be administered, tested, and certified by any private patrol operator or any person or school approved by the Department of Consumer Affairs.

This bill would authorize the Bureau of Collection and Investigative Services to inspect, supervise, or view the testing. The bill would subject any private patrol operator to disciplinary action for any impropriety in the administration of the course or test.

(3) Existing law requires any employee of a private patrol operator who performs the function of a security guard or security patrolperson to be registered with the Bureau of Collection and Investigative Services. Existing law provides that a temporary registration card may be issued and an employee may be assigned to work until the bureau issues a registration card or denies registration

This bill would prohibit the issuance of a temporary registration card and the assignment to work as a security guard, for any employee who has been convicted of a crime and would provide that a temporary registration card shall be valid only for 120 days unless extended by the director

(4) Existing law provides for the renewal of a registration of an employee of a private patrolperson every 2 years. The law authorizes the Chief of the Bureau of Collection and Investigative Services to refuse to register any employee if the individual has committed any acts which, if committed by a private patrol operator, would be grounds for refusing to issue a license, or for the suspension or revocation of a license.

This bill would provide that the registration of a security guard shall be automatically suspended if the security guard has been convicted of any crime which is substantially related to the functions, duties, and responsibilities of a security guard, as specified. Provision would also be made for a hearing, upon request of the guard

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(5) Existing law specifies that knowingly making of a false statement on an application for a license issued pursuant to the Private Investigator Act is grounds for the denial of a license.

This bill would make it a misdemeanor for any person to make a false statement on an application for a license or registration as a security guard.

(6) This bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 981 (AB 10) Duffy. Medi-Cal

Under existing law, for the purposes of determining eligibility for health services under the Medi-Cal program, the value of the principal residence, as defined, is disregarded.

Existing law contains various circumstances under which a home is deemed as the principal residence.

Existing law also provides that the home shall be the principal residence when an individual lives in a skilled nursing or intermediate care facility, and can reasonably be expected to return home.

This bill would, instead, provide that the home shall be the principal residence when an individual lives in a skilled nursing or intermediate care facility or licensed community care facility and intends to return home.

Existing law provides that the home shall be the principal residence if the property cannot be readily converted to cash, but a bona fide effort is being made to sell the property

This bill would provide that, in these cases, the state shall have a lien against the property, to the extent permitted by federal law, for the cost of medical services.

Existing law also provides that the home will be deemed to be the principal residence of the recipient if it is inhabited by any sibling or child of the recipient who has continuously resided in the home since at least one year prior to the date the recipient entered a skilled nursing or intermediate care facility.

This bill would also provide that this provision shall apply to a recipient in a licensed community care facility.

The bill would provide that its provisions shall be implemented by the State Director of Health Services pursuant to emergency regulations.

Ch. 982 (AB 196) McAlister. Transfers without probate; construction of wills and trusts; intestate succession.

(1) Existing law requires transferors of residential property containing 1 to 4 dwelling units to provide prospective transferees with specified information on whether structural additions or alterations or construction of prescribed significant components were or were not completed under an appropriate building permit. There are many exceptions to this requirement under existing law, including transfers by fiduciaries in the course of administration of a guardianship, conservatorship, or trust.

This bill would additionally exempt transfers by a fiduciary in the course of administration of a probate estate.

(2) Existing law, with specified exceptions, requires that transferors of real property containing a single-family dwelling provide transferees with written notice of compliance with specified requirements for installation of smoke detectors

This bill would exempt transfers by a fiduciary in the course of administration of a decedent's estate.

(3) Under existing law governing construction of wills and trusts, where a will or trust provides for a class of issue or descendants to take under a devise or bequest, the property is divided among the class in the same method prescribed by statute for intestate succession, unless a contrary intention is expressed in the will. Under existing law, if a will or trust calls for distribution per stirpes or by right of representation, these terms are construed under the law that applied prior to January 1, 1985

This bill would provide 3 nonexclusive statutory options for distribution of class gifts

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under a will or trust, with the intestate scheme to be applicable where the will or trust expresses no contrary intention. The bill would specify that use of contradictory wording or use of the term "per capita," when living members of the designated class are not all of the same generation, do not express such a contrary intention. The bill would specify the distribution scheme to be used for wills executed before January 1, 1986, that call for distribution "per stirpes," "by representation," or "by right of representation," absent a contrary intent of the testator or the settlor of the trust The bill would make conforming related changes.

(4) Under existing law, the issue of a deceased devisee do not take in his or her place if a contrary intention is expressed in the will.

This bill would stipulate that such a contrary intention is expressed in the will if the will requires the initial devisee to survive the testator by a specified period of time or to survive until a future time related to the probate of the testator's will or administration of the testator's estate

(5) Under existing law governing construction of wills, a devise to a class consisting of the children of a named person, other than the testator, does not include a natural child of the named person who did not live during minority as a regular member of the household of the named person or of that person's parent, brother, sister, or surviving spouse

This bill would, for this purpose include a natural child who lived during minority as a regular member of the household of the named person's spouse, even though that spouse did not survive the named person

(6) Under existing law prescribing devolution of the estate of a decedent dying intestate, the relationship of a child and a foster parent or stepparent has the same effect as an adoptive relationship if the relationship began during the child's minority and continued throughout the parties' joint lifetimes and if the foster parent or stepparent would have adopted the person but for a legal barrier

This bill would limit the applicability of the parent-child relationship specified above to make it applicable only to inheritance by the child from or through the foster parent or stepparent. The bill would specify that these provisions and other provisions governing the parent-child relationship for purposes of intestate succession do not affect application of the doctrine of equitable adoption for the benefit of the child or the child's descendants.

(7) Under existing law prescribing devolution of the estate of a decedent dying intestate, adoption of a child by a stepparent married to a natural parent terminates the parent-child relationship as to the other natural parent, unless that other natural parent and the child lived together as parent and child.

This bill would also preserve the relationship, for purposes of intestate succession, with that natural parent of the adopted child if both natural parents were married or cohabiting at the time of conception of the child.

(8) Under existing law prescribing devolution of the estate of a decedent dying intestate, a parent, or a relative of a parent, of a child born out of wedlock may not inherit from the child on the basis of the parent-child relationship, unless the parent acknowledged the relationship and contributed to the support or care of the child.

This bill would expressly make these provisions inapplicable to issue of the child, the child's natural siblings, and their issue The bill would also permit relatives of the parent to directly establish their relationship to the child, for the purpose of intestate succession, by acknowledging the child and contributing to the child's care and support

(9) Under existing law, an executor or administrator of a decedent's estate may petition the court to have the estate administered under the Independent Administration of Estates Act, unless the decedent's will otherwise provides.

This bill would permit such a petition to ask for authority to proceed under that act, but without authority to sell or exchange real property or to grant purchase options for real property, except subject to court supervision. The bill would prescribe a form to be used, and would authorize the Judicial Council to adopt a form, for executors and administrators operating under that act to give notice of prescribed actions taken without court supervision The bill would provide that such notice need not be given to persons who provide a specified written consent or waiver either before or after the action is taken, and would permit partial waivers, as specified. The bill would require the Judicial Council to adopt a form which could be used for objecting to the actions

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proposed by such a notice, and would require a copy of this form to be included with the executor's or administrator's notice The bill would prescribe procedures to be followed by executors and administrators for conducting sales of estate property under that act, and would clarify existing law specifying the amount of any bond that may be required of executors and administrators proceeding under that act. The bill would expressly provide that failure of an executor or administrator proceeding under that act to submit a proposed action to court supervision, following the issuance of a restraining order or receipt of a written objection, constitutes a breach of fiduciary duty and is grounds for removal of the executor or administrator

(10) Existing law on administration of decedents' estates requires certain notices to be given to heirs, devisees, and legatees. However, such a notice, under existing law need not be given to a foster child or stepchild as an heir or recipient of a class bequest or devisee, unless the person required to give the notice has actual knowledge of the relationship

This bill would make clarifying, nonsubstantive changes in these provisions.

(11) Existing law provides that a will is revoked upon destruction of the will by or at the direction of the testator and in the testator's presence if the testator intends revocation thereby.

This bill would establish a rebuttable presumption affecting the burden of producing evidence that a will was destroyed by the testator with intent to revoke it if the will was last in the testator's possession, the testator was competent until death, and neither the original will nor a duplicate original can be found after the testator's death.

(12) Under existing law, upon the death of the registered or legal owner of a registered vehicle or titled off-highway motor vehicle or of a registered vessel, manufactured home, mobilehome, commercial coach, or truck camper, the interest of the decedent therein may be transferred to the surviving heir or beneficiary under the decedent's will without probate proceedings, unless there is other property in the decedent's estate necessitating probate. In the case of vehicles and vessels, these transfers are made by the Department of Motor Vehicles In the case of manufactured homes, mobilehomes, commercial coaches, and truck campers, these transfers are made by the Department of Housing and Community Development

This bill would revise and make uniform the certification requirements applicable to persons applying to secure such a transfer of a decedent's ownership, title, or interest The bill would also preclude such a transfer for 40 days following the death of the decedent, except in the case of vehicles.

(13) Under existing law, summary probate proceedings are available where the gross value of the decedent's real property in this state does not exceed $10,000 and the gross value of the decedent's real and personal property in this state, with certain exceptions, does not exceed $60,000 In computing the gross value of the decedent's real and personal property in the state for this purpose, there is excluded the value of motor vehicles and registered mobilehomes and commercial coaches.

This bill would revise these provisions to exclude, all vehicles which are either registered vehicles or are titled as off-highway motor vehicles by the Department of Motor Vehicles, to exclude undocumented vessels registered by that department, and to expressly exclude manufactured homes and truck campers registered by the Department of Housing and Community Development in addition to registered mobilehomes and commercial coaches.

(14) Existing law expressly provides for registering several forms of coownership of vehicles However, no similar provisions presently exist for registered undocumented vessels.

This bill would authorize the same types of registered coownership of undocumented vessels as presently authorized for vehicles.

(15) This bill would incorporate the changes in Section 6402.5 of the Probate Code proposed by this bill and SB 1218 if both bills are enacted and effective January 1, 1986, and this bill is enacted after SB 1218

Ch. 983 (AB 215) Bane Savings associations

Existing law provides for the regulation of savings associations under the recently enacted Savings Association Law

This bill would conform the terminology of the exemption provision of the Corporate

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Securities Law of 1968 to the Savings Association Law. It would recast the exemption for an interest in a pool of mortgage loans to whole mortgage loans and participation interests in those loans.

This bill would make various other technical changes to the Savings Association Law including requiring specified notice to be given for special as well as annual meetings of a mutual association, defining specified terms, deleting certain membership record requirements as respects an obligor or a savings account holder and obligor of a mutual association, and providing that an association or service corporation may act as an escrow holder in connection with the sale, transfer, encumbering or leasing of personal, as well as real property.

Existing law requires the Savings and Loan Commissioner to give written notice to each association upon the receipt of an application for the opening of a branch office or agency and authorizes the commissioner to hold a hearing before acting on an application for a branch office or agency

This bill would delete the reference to an agency in those provisions.

This bill would also provide that if any attachment is levied upon any account of any association, the copy of writ and notice shall be left with the manager or any other officer of the association, as specified, and also provide that attachments which are not so served are not effective as to any account issued by the association, notwithstanding any other provision of law relating to service of attachments.

This bill would authorize an association to engage in leasing activities that are the functional equivalent of lending, subject to specified limitations

Existing law requires an association or foreign association, prior to doing business in this state, to obtain and maintain insurance of its savings accounts by either the Federal Savings and Loan Insurance Corporation or any agency of this state established for the purpose of insuring savings accounts of associations.

This bill would delete the authorization to obtain insurance of savings accounts by an agency of this state, and make related changes

Existing law prohibits an association, without the approval of the commissioner, from engaging in certain enumerated activities.

This bill would additionally prohibit the acquisition of the assets or savings account liabilities of another financial institution without the approval of the commissioner. It would also revise certain merger and consolidation provisions relating to the executed merger or consolidation agreement, as respects specified filing requirements, and would specify that those provisions also apply where any other corporation is a party to the agreement with an association.

Existing law authorizes an association to acquire, hold, sell, develop, subdivide, dispose of, and convey real and personal property, as specified.

This bill would prohibit an association, unless authorized by the commissioner, from entering into any transaction with an affiliated person to buy, lease, or sell real or personal property, or take such property by gift.

Existing law authorizes an association to issue credit cards and participate in credit card transactions.

This bill would specify that the Unruh Act does not apply to the credit card operations of associations.

Existing law authorizes an association to originate, invest in, sell, purchase, service, participate, or otherwise deal in loans made on the security of residential or nonresidential real estate, as specified.

This bill would recast that provision to make that authorization specifically applicable to construction loans.

Existing law provides that the commissioner may require any financial statement or accounting item of an association to be prepared or determined in a manner other than in conformity with generally accepted accounting principles, as specified The report shall not be available for other than regulatory purposes.

This bill would provide that the report not be available for purposes other than as provided by the commissioner.

This bill would also reenact, as modified, provisions relating to the attachment of savings accounts contained in the former Savings and Loan Association Law. It would make those provisions applicable to any other property maintained with a state association or federal association

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Existing law authorizes specified entities, including public entities, without any order of any court, to invest funds held by them in savings accounts of associations and federal associations However, existing law restricts associations with respect to the amount of public funds they may have on deposit

This bill would provide that the limitation as to the amount of public funds which may be on deposit at any one time shall not apply to negotiable certificates of deposit.

The bill would make various technical and clarifying changes.

This bill would also incorporate additional changes in Sections 53601 and 53635 of the Government Code proposed by SB 115, to be operative only if this bill and SB 115 are both chaptered on or before January 1, 1986, and this bill is chaptered last These changes would become operative on the effective date of SB 115.

The bill would take effect immediately as an urgency statute.

Ch. 984 (AB 1718) Calderon. Probation report.

Under existing law, prior to judgment, if a court has requested a probation report on a defendant, copies of that report must be made available to the court, the prosecuting attorney, and the defendant or the defendant's attorney.

This bill would impose a state-mandated local program by requiring that the sentence recommendations of the report be made available to the victim of the crime, or the victim's next of kin if the victim has died, through the district attorney's office and by requiring probation officers to notify the victim or the victim's next of kin of the right to the information

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 985 (AB 1350) Cortese. Local government.

(1) Under existing law, the owner of an easement in the nature of a private right-of-way, or of any land to which any such easement is attached, is required to maintain it in repair. If there are multiple owners, the cost of maintaining it is shared as specified pursuant to an agreement for that purpose, or in the absence of such an agreement, proportionately Jurisdiction for the apportionment of costs between multiple owners lies in the superior court

This bill would provide that if any owner who is a party to an agreement for sharing such costs refuses to perform or fails after demand in writing to pay his or her share of the cost, an action for specific performance or contribution may be brought against that owner in a court of competent jurisdiction by the other owners, either jointly or separately The bill would also specify that jurisdiction over actions regarding the sharing of such costs where there is no agreement lies in a court having jurisdiction over the amount in controversy, and would revise provisions relating to the enforcement of owners' rights pursuant to such actions The bill would also make a related technical, nonsubstantive change

(2) Existing law authorizes counties to establish a revolving fund of up to $500,000 to be used to make disbursements to county sanitation districts, county maintenance districts, and county flood control districts for specified district purposes. The law requires that disbursements from the fund be reimbursed from specified district revenues within 5 years after disbursement.

This bill would increase the permissible period of reimbursement to 10 years.

(3) Existing law authorizes counties to establish a revolving fund of up to $1,000,000 to be used to make disbursements to a county service area for specified purposes The law requires that disbursements from the fund be reimbursed from specified sources of funds available to the service area within 5 years after disbursement.

This bill would increase the permissible period of reimbursement to 10 years.

(4) Existing law specifies the powers and duties of boards of supervisors.

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This bill would provide that whenever the board of supervisors is required to receive proposals or bids, the board may designate an officer or employee to open, examine, and announce the proposals or bids at a public meeting

(5) The existing County Service Area Law requires certain data relating to the cost of providing miscellaneous extended services to be filed with the board of supervisors by July 10th of each year Existing law requires the clerk of any entity, as defined, which provides a sanitation or sewage system to file certain information relating to charges for services and facilities with the auditor of the entity on or before August 10th of each year.

This bill would, instead, require that information to be filed on or before August 31st of each year

(6) Under existing law, the boards of supervisors of counties over 1,000,000 in population may contract with a person or corporation for the presentation of dramatic, musical, and other performances to which admission may be charged

This bill would extend the authorization of this provision to counties over 250,000 in population

(7) Existing law permits a county auditor to destroy claims, warrants, and warrant vouchers which are 5 years old if an index or warrant register is maintained

This bill would, instead, permit the destruction of those documents after 5 years without requiring that an index or warrant register be maintained, and would permit destruction of the original documents at any time if a specified type of copy is kept and maintained for 5 years

(8) An existing provision of law relating to the powers of counties to adopt a civil service system contains an obsolete, erroneous cross-reference to the California Constitution

This bill would correct that cross-reference

(9) Existing law authorizes cities, counties, and districts to levy special taxes for various purposes

This bill would make any action or proceeding to validate, attack, review, set aside, void or annul ordinances relating to those special taxes subject to specified provisions in the Code of Civil Procedure relating to validating actions

(10) Existing law authorizes local agencies, as defined, to levy an assessment to pay for fire suppression services within the local agency or a zone or area of benefit within the local agency, subject to approval of the voters in certain circumstances

This bill would specify that if the assessment is levied in a zone or area of benefit within the local agency, only the voters within the zone or area of benefit would vote on the issue

(10.5) Existing law requires the State Board of Equalization to establish a schedule of fees for the filing and processing of statements and maps or plats regarding local governmental boundary changes or the boundaries of newly created cities or districts or special zones thereof that are required to be filed with affected assessors and the State Board of Equalization. Existing law provides that the fee shall not exceed the reasonably anticipated cost to the board of performing the work to which the fee relates

This bill would specify that the fees established by the State Board of Equalization shall not exceed the above described amount or 25% of the anticipated total tax revenue that will be collected by the city or district during the first full fiscal year that the boundary changes are effective, as determined by the county auditor, whichever amount is less.

(11) Under existing law, when an unscheduled vacancy occurs on a board, commission, or committee for which the legislative body of a local agency has the power of appointment, a notice of vacancy is required to be posted in specified locations within 20 days after the vacancy occurs, and the appointment may not be made for at least 10 working days after posting the notice of vacancy

This bill would permit the notice of vacancy to be posted not earlier than 20 days before and not later than 20 days after the vacancy occurs

(12) Existing law authorizes the Rancho Murieta Community Services District to acquire, construct, improve, maintain, or operate telecommunications facilities and to provide telecommunications services to the district and its inhabitants

This bill would repeal the authorization to provide those facilities and services, and would, instead, authorize the district to acquire, construct, improve, maintain, or operate burglar and fire alarm facilities and services.

(13) Existing law authorizes the creation of community services districts for the

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performance of various specified public and utility services. Existing law permits the Golden Hills Community Services District and, after voter approval, the El Dorado Hills Community Services District to enforce covenants, conditions and restrictions for each tract in the district and to perform the duties of the architectural control committee for each tract

This bill would, in addition, authorize the Cameron Park Community Services District or the Cameron Estates Community Services District, after voter approval, to enforce covenants, conditions, and restrictions for each tract in the district and to perform the duties of the architectural control committee for each tract to the extent authorized by the covenants, conditions, and restrictions applicable to the tract

(14) Existing law authorizes the legislative body of any county or city to adopt regulations governing, among other things, the use of buildings, structures, and land as between industry, business, residents, and open space

This bill would delete the reference to residents and would replace that term with residences, thereby permitting the legislative body to adopt regulations governing the use of buildings, structures, and land as between industry, business, residences, and open space.

(15) Existing law authorizes the creation of fire protection districts and provides that the board of directors of a district may be appointed by the supervising authority, as specified, or elected either at large or from divisions

This bill would, in the case of a district with board members elected from divisions when, due to reorganization or detachment, a majority of the divisions is eliminated simultaneously so that the board is without a quorum, permit the supervising authority to either establish new divisions and appoint board members to serve until the next election or, if the remaining directors make a written request, reorganize the district to provide for a board of three or five directors elected at large and to appoint board members to serve until the next election

(16) Under existing law relating to municipal utility district elections, nomination documents for candidates for the office of director of a municipal utility district are required to be filed within specified periods prior to the election and to be signed by a specified percentage or number of registered voters.

This bill would revise those periods, percentages, and numbers specified for municipal utility district elections.

(17) Under existing law, the terms of office of directors of a municipal utility district expire on the first Monday after January 1 following the election of directors

This bill would change the expiration date of these terms to January 1 following the election of directors.

(18) Existing law requires that salaries or wages of municipal utility district officers and employees be paid by warrants issued immediately after approval of the payroll by the district board or general manager. Existing law directs the district accountant to maintain a system of auditing and accounting which shows the financial condition of the district at all times, and to draw warrants for payment of demands against the district approved by the board and the general manager. Existing law directs the district treasurer to make payments only on warrants signed by the president or vice president of the board or other authorized person and by the secretary

This bill would delete the requirement that salaries, wages, and other obligations of a district be paid by warrant The bill would instead permit payment to be made by any instrument in accordance with the instructions of the board, deleting the specific requirement of approval of both the board and the general manager The bill would generally require the accountant to provide reasonable assurance that the financial transactions of the district were executed in accordance with the board's instructions, and the treasurer to execute all instruments for the payment of demands against the district upon the accountant's determination that the demands are authorized

(19) Existing law provides for the formation and operation of the Monterey Peninsula Airport District pursuant to the Monterey Peninsula Airport District Act That act prohibits any expenditure greater than $2,500 without an ordinance adopted by the district board authorizing the expenditure.

This bill would increase to $5,000 the amount of an expenditure which may be made by the district without an ordinance

(20) Existing law provides for the formation and operation of the Fairfield-Suisun

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Sewer District pursuant to the Fairfield-Suisun Sewer District Act.

(A) Existing provisions of that act provide that the tax collector, treasurer, and auditor of the County of Solano are the tax collector, treasurer, and auditor for the district

This bill would permit the board of directors of the district to designate another person as the tax collector, treasurer, or auditor for the district

(B) Existing law provides that each member of the board of directors of the district shall receive $7.50 for each day of actual attendance of meetings of the board of directors, not to exceed $15 in any calendar month and provides for reimbursement of board members for actual expenses but limits the amount that a member may be reimbursed for automobile expenses.

This bill would increase the amount of that compensation and would delete the limitation on the amount a member of the board may be reimbursed for automobile expenses.

(C) Existing law prohibits the district from contracting for the disposal of any sewage emanating from outside the district, with certain exceptions.

This bill would permit the district to contract for the disposal of any sewage emanating from specified territory, incorporated by reference by the bill, between January 1, 1986, and January 1, 1989. The bill would provide that any such contract in effect on January 1, 1989, may be renewed but would prohibit the district from entering into any new contract after that date.

(D) Existing law permits the district to issue warrants and requires the warrants to be registerable in the same manner as county warrants if the warrants are not payable and requires certain claims against the district to be presented to the board of directors in the same manner as similar claims against the county.

This bill would, instead, require those warrants to be registerable in the same manner as city warrants and would require those claims to be presented in the same manner as similar claims against the county.

(E) Existing law requires all contracts for the construction of any unit of work estimated to cost in excess of $2,500 to be let to the lowest responsible bidder.

This bill would, instead, require those contracts to be let to the lowest responsible bidder if the estimated cost exceeds $5,000.

(F) Existing law limits the interest rate that the district may pay on bonds to 6% per year

This bill would increase that interest rate.

(G) Existing law requires the treasurer of the district to deposit the money levied by the board of directors of the district in a specified fund in the treasury of the County of Solano

This bill would permit the board to provide for the deposit of that money in a separate fund in the treasury of either Fairfield or Suisun City.

(21) Existing law permits the board of directors of the Monterey County Flood Control and Water Conservation District to fix a water standby or availability charge on or before July 1 of each year and requires the board to furnish a description of each parcel of land upon which the charge is levied to the board of supervisors on or before the third Monday in August of each year.

This bill would, instead, permit the board to fix that charge on or before August 31 of each year and would delete the requirement that the description of each parcel be filed on or before the third Monday in August of each year.

(22) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose costs exceed $500,000.

(A) This bill would, by increasing the compensation of the members of the Board of Directors of the Fairfield-Suisun Sewer District, create a state-mandated local program. The bill would, however, provide that no reimbursement is required by this act for a specified reason.

(B) The bill would also impose a state-mandated local program by requiring the county auditor to make certain determinations regarding the anticipated total tax revenue that will be collected by a city or district, under certain circumstances.

This bill would provide that reimbursement for this state-mandated local cost shall be

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made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 986 (AB 1167) Costa Housing for migratory agricultural workers.

Existing law authorizes the Director of Housing and Community Development to contract with school districts, housing authorities, health agencies, and other appropriate local public and private nonprofit agencies for the procurement or construction of housing or shelter for migratory agricultural workers.

This bill would permit the department to execute instruments necessary or convenient for the exercise of its powers and functions including, but not limited to, pledges, encumbrances, transfers, or assignments of leaseholds necessary for the procurement or development of housing or shelter for migratory agricultural workers

The bill would take effect immediately as an urgency statute

Ch 987 (AB 330) Lancaster. Consumer credit contracts.

Existing law requires a "consumer credit contract" to provide specified notice as to liability on the contract.

Existing law provides that unless the persons are married to each other, each creditor who obtains the signature of more than one person on a consumer credit contract shall deliver to each person, before or contemporaneously with the signing of the consumer credit contract, a notice in English and Spanish as to liability on the contract

This bill would, instead, provide that, unless persons are married to each other, each creditor who obtains a signature of more than one person on a consumer credit contract shall deliver to each person who does not receive any of the money, property, or services which are the subject matter of the consumer credit contract, prior to that person becoming obligated on the contract, a notice in English and Spanish, as specified This bill would also revise the language of the notice. These provisions would also require the notice to be delivered in a language other than English or Spanish if the consumer credit contract is written in that language. The provisions would be inapplicable to a creditor offering or extending open-end credit or to certain joint applicants, as specified.

Existing law requires the above notice, if included within the text of a consumer credit contract, to appear immediately above the signature space.

This bill would make the provision applicable to other documents, as specified, and allow the notice to be placed above or adjacent to other notices required by law The bill would prohibit a creditor from obtaining the signature of any person entitled to notice if the contract contains blank spaces to be filled in after the person's signature has been obtained It would also require the creditor to give persons entitled to notice a copy of the debt instrument and security agreement or deed of trust, if any, as specified

Existing law prohibits any action being brought by any creditor or any assignee of a creditor on any consumer credit contract against any person, however designated, who does not in fact receive the money, property or services which are the subject matter of the consumer credit contract.

This bill would additionally prohibit any security interest from being enforced It would also provide that nothing shall affect the rights of any bona fide purchaser for value of property sold pursuant to enforcement of a security interest if the purchase was made without notice of any facts constituting a violation of specified provisions

The bill would also provide, with respect to transactions other than consumer credit contracts, that unless the persons obligated under the transaction are married to each other no action shall be brought nor shall any security interest be enforced against any person entitled to receive notice under specified provisions of federal law, if that person did not receive notice.

The bill would also make related changes.

Ch. 988 (AB 1335) Clute. Veterans· hospital, nursing home, and domiciliary care.

Existing law provides for various state veterans' benefits administered by the Department of Veterans Affairs. Existing law also provides for assistance to veterans in making claims, applications, and requests for aid by county veteran service officers No law presently requires any survey or investigation of the number or status of veterans receiving hospital, nursing home, or domiciliary care in the state other than through the

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Veterans' Home of California.

This bill would direct the department to contract with the Counties of Contra Costa, Riverside, and Sonoma for a 2-year study by the county veteran service officer of each of those counties of the veterans in the county receiving hospital, nursing home, and domiciliary care, and to transmit information on each veteran to the United States Veterans' Administration so that the VA may provide contributions toward these veterans' care as required by law. The bill would direct each officer to report quarterly, as specified, on these activities to the Assembly Committee on Veterans Affairs, to the Senate Committee on Governmental Organization, to the Department of Finance, and to the department, including an estimate of the VA's required contributions, and would require a final report to be submitted to the committee and the department on or before January 1, 1988

The bill would appropriate $75,000 to the department for the 1985–86 fiscal year for these purposes.

Ch. 989 (AB 741) Johnston. Home improvement contracts.

Existing law regulates home improvement contractors and imposes certain requirements with respect to home improvement contracts, but makes no specific provision relative to the validity and enforceability of home improvement contracts where the buyer obtains a loan from a third party to finance the contract.

This bill would specifically provide that a contract for home improvement, as defined, shall be unenforceable against the buyer, unless certain enumerated requirements are satisfied, if the obtaining of a loan for all or a portion of the contract price is a condition precedent to the contract or if the contractor provides financing, or in any manner assists the buyer in obtaining a loan or refers the buyer to any person who may loan or arrange a loan for all or a portion of the contract price. Unless those requirements are satisfied, certain actions of the seller would be deemed unlawful so as to render the contract unenforceable

This bill would not prohibit a contractor from receiving a down payment otherwise permitted by law provided the contractor returns the down payment, as specified, if the contract is unenforceable

Ch. 990 (AB 1313) McAlister Psychologists· licensure.

Existing law specifies the requirements for licensure as a psychologist, including a requirement of 2 years' supervised professional experience under the direction of a licensed psychologist

This bill would provide that if the supervising licensed psychologist fails to provide timely verification to the Psychology Examining Committee of the required experience, the applicant may provide written verification directly to the committee with a copy to the supervising psychologist and requires the applicant to file a declaration and verification of service, which when received by the committee creates a rebuttable presumption, affecting the burden of producing evidence, that the experience requirements have been satisfied. This provision would only apply to an applicant who has acquired the required experience in the United States

The bill would require the committee to establish qualifications for supervising psychologists and to review and approve applicants for that position on a case-by-case basis.

Existing law specifies the grounds for the denial, suspension, or revocation of a psychologist's license

This bill would add to those grounds the willful failure to submit verification of supervised experience to the committee on behalf of an applicant for licensure.

The bill would take effect immediately as an urgency statute.

Ch. 991 (AB 528) Elder. Public schools: health and welfare benefits.

Under existing law, school districts, community college districts, and county superintendents of schools, subject to such conditions as they may establish, may provide for any health and welfare benefits for the benefit of its officers, employees, retired employees, retired members of the legislative body, and former elective members of the legislative body meeting specified conditions, who elect to accept the benefits and authorize deduction of premiums, dues, or other charges from their compensation.

This bill would (a) require any school district, community college district, or county

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superintendent of schools which provides health and welfare benefits or dental care benefits for its certificated employees to permit enrollment therein, as specified, by any former certificated employee who retired therefrom under any public retirement system and his or her spouse and by any surviving spouse of any former certificated employee who retired therefrom under any public retirement system and (b) authorize districts and county superintendents of schools to develop an experience claims rating therefor and to require those persons, if appropriate, to pay different rates as a class. Those persons may be required to pay all the related costs, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 992 (AB 1644) Stirling. Professional engineers.

Existing law, operative July 1, 1984, prohibits any person from using the title "soil engineer" unless the person is a civil engineer and has been found qualified by the State Board of Registration for Professional Engineers and Land Surveyors. The law authorizes civil engineers using the title "soil engineer" on or before July 1, 1984, to continue using that title until July 1, 1986.

This bill would provide that on and after July 1, 1986, no person may use the title "soil engineer," "soils engineer," or "geotechnical engineer" unless an application is filed with the board and the board determines that the person is qualified to use those titles.

The bill would require the board to establish qualifications and standards to use those titles and would require each applicant to have a minimum of 4 years of qualifying experience beyond that required for registration as a civil engineer.

The bill would provide for the establishment of a Technical Advisory Committee to be appointed by the board and whom shall assist the board in establishing these qualifications

The bill would provide that any civil engineer who furnishes evidence of 6 years of experience in soil engineering or geotechnical engineering may be authorized to use the title "soil engineer," "soils engineer," or "geotechnical engineer," without an examination, until December 31, 1987.

This bill would impose a state-mandated local program because it would create a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 993 (AB 1119) La Follette. State retirement systems: electronic fund transfers.

Existing law (1) provides that, notwithstanding any other provision of law, any person entitled to the receipt of benefits from any state retirement system may authorize the payment of the benefits to be directly deposited by an electronic fund transfer program established by the Controller into the person's account at the financial institution of his or her choice, and (2) authorizes the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit thereof by electronic fund transfer.

This bill would add to the Public Employees' Retirement Law provisions which would (a) provide that, notwithstanding any other provision of law, any person entitled to the receipt of benefits from any state retirement system may authorize the payment of the benefits to be directly deposited into the person's account at the financial institution of his or her choice, (b) authorize the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit thereof by electronic fund transfer; and (c) provide that if the Controller does not make such an agreement establishing the electronic fund transfer program, the administrative body of any state retirement system may do so.

The bill would become operative on January 1, 1987.

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Ch. 994 (AB 1751) Wright. Health records: confidentiality.

Existing law provides that all information and records obtained in the course of providing certain services to persons with developmental disabilities or in the course of providing mental health services to voluntary or involuntary recipients of those services is confidential and cannot be released, with specified exceptions. One exception permits the release of confidential information and records to specified licensing personnel working for the State Department of Health Services as necessary for the performance of their duties to inspect, license, and investigate health facilities. The department may use the confidential information in a criminal, civil, or administrative proceeding.

This bill would similarly permit the release of these confidential records and information to specified legal staff or special investigators working for the State Department of Social Services as necessary for the performance of their duties to inspect, license, and investigate community care facilities This bill would also permit the State Department of Social Services to use the confidential information in a criminal, civil, or administrative proceeding

This bill would incorporate further amendments to Section 4514 of the Welfare and Institutions Code made by SB 1088 contingent upon the enactment and prior chaptering of SB 1088.

Ch 995 (AB 2143) Bader Subdivisions vesting tentative maps.

(1) Existing law, enacted in 1984, which will become operative January 1, 1986, prescribes procedures whereby a subdivider may elect to file a vesting tentative map, the approval of which confers a vested right to proceed with development in accordance with specified ordinances, policies, and standards This law, which presently is expressly limited to residential developments only, requires local agencies to adopt procedures to implement its provisions.

This bill would make the above-described law applicable to other than residential developments on and after January 1, 1988 By expanding the application of the existing law to other than residential developments on and after January 1, 1988, thereby broadening the scope of the required implementing procedures, the bill would impose a state-mandated local program On and after January 1, 1988, this bill would permit ordinances of a city or county to differentiate between residential and nonresidential developments in prescribing the initial time period after which the rights conferred by a vesting tentative map shall expire, so long as the period prescribed for residential developments is not less than that for nonresidential developments.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 996 (AB 1363) Cortese. Easements.

Under existing law, except as provided in the Subdivision Map Act, nonprescriptive easements appurtenant to real property may only be created or reserved by a conveyance of real property. However, enforceable public easements on private land may be created through express or implied dedication.

This bill would authorize a city or county to adopt an ordinance for the creation of easements by a recorded covenant given by an owner of real property to the city or county for parking, ingress, egress, emergency access, light and air access, landscaping, or open-space purposes Upon recordation, the burdens of the easement would be binding upon, and the benefits would inure to, all successors in interest to the real property The ordinance would be required to provide a procedure for terminating the easement, as prescribed.

Ch. 997 (AB 1585) Klehs County school attendance review boards. subpoenas.

(1) Existing law authorizes a county school attendance board to be established in each county, as specified, to correct school attendance problems or school behavior problems. Existing law requires county school attendance review boards and local school attendance review boards to include, among others, a parent and representatives of school districts, the county probation department, the county welfare department, and the county superintendent of schools.

This bill would impose a state-mandated local program by requiring, as specified, that

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county school attendance boards include, among others, representatives of law enforcement agencies and community-based youth service centers, and school guidance personnel It would also authorize local school attendance boards to include such representatives and school guidance personnel.

This bill would authorize school district governing boards in any county in which there is no county school attendance review board, to elect to establish a local school attendance review board to operate in the same manner and with the same authority as a county school attendance review board

This bill would authorize each county school attendance review board, in every case in which a minor has been referred to it pursuant to specified provisions of existing law, to request that the juvenile court having jurisdiction issue subpoenas requiring the attendance of the minor, the minor's parents, guardians, or other person having control of the minor, the school authority referring the minor; or any other person the county school attendance review board may require as a witness in the matter This bill would authorize the juvenile court to issue subpoenas requiring the attendance of witnesses or the production of pertinent or material written materials, subject to the requirements of specified provisions of existing law. This bill would provide that a juvenile court shall not have jurisdiction to order detention, as specified, or confinement for failure to comply with the subpoena

(2) This bill would require the State Department of Education, on or before December 31, 1987, to conduct an evaluation and to submit a report to the Legislature regarding the effectiveness of county school attendance review boards in dealing with pupils with severe school attendance or behavior problems, as specified

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund However, it would provide that only a single specified annual meeting of a county school attendance review board shall be reimbursable pursuant to those provisions

Ch 998 (AB 1810) Herger. Humane officers humane societies

Existing law provides for the establishment and regulation of humane societies, and for the appointment and regulation of humane officers, as specified.

This bill would revise these provisions to require (1) humane societies to provide proof of proper incorporation to a judge when they seek confirmation of a humane officer appointee, (2) all appointments of humane officers to automatically expire if the society disbands or legally dissolves; and (3) all humane officers, except those who have been humane officers for 9 years or more, to provide, within one year of appointment or reappointment, evidence satisfactory to the society that they have successfully completed courses of training, either provided or approved by the society, in animal care, state humane laws, and as prescribed by the Commission on Peace Officer Standards and Training, as specified

Existing law provides that an accusation in writing against an officer of a district, county, or city, including any member of the governing board or personnel commission of a school district, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed

This bill would specifically make these provisions applicable to a humane officer

Ch 999 (AB 1537) Farr Special education

(1) Existing law prescribes the requirements for the provision of services to individuals with exceptional needs placed in licensed children's institutions or foster family homes Existing law provides that if the district in which the licensed children's institution or foster family home is located is also the district of residence of the parent of the individual with exceptional needs, and if the parent retains legal responsibility for the child's education, the requirements of specified provisions of current law relating to apportionments to districts and county superintendents for services to these individuals

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do not apply.

This bill would repeal the latter provision

(2) Existing law establishes special education programs for individuals with exceptional needs and specifies the requirements of local plans for implementation of the programs by local educational agencies Existing law prescribes the requirements for special education programs for licensed children's institutions and foster family homes, and specifies that individuals with exceptional needs served under these provisions shall not be subject to the service proportions prescribed by specified provisions of current law

This bill would exempt these individuals from the requirements of specified provisions of current law providing service for apportionments for special education to school districts and county superintendents of education. This bill would specify that if available funds are insufficient to fully fund pupil transportation entitlements pursuant to specified provisions of current law, no deficit shall be applied to the portion of the entitlements for services for individuals with exceptional needs prescribed under current law.

(3) Existing law requires school districts and county offices of education, as a condition to receiving state aid pursuant to current law, to report in April of each year, the unduplicated count of the number of pupils receiving special education services provided by the district or county office in the spring semester, as prescribed.

This bill, instead, would require the report to report the count of the number of pupils receiving special education services, and would also require the report to distinguish between pupils residing in licensed children's institutions, foster family homes, residential medical facilities, and other similar facilities, and all other pupils.

This bill would require the Superintendent of Public Instruction to collect, as necessary, data from school districts, county offices of education, and other public and private agencies having information on licensed children's institutions, foster family homes, residential medical facilities, and other similar facilities in order to implement these provisions

(4) Existing law specifies that, notwithstanding specified provisions of current law a special education local plan area shall be eligible, for purposes of services to children 3 years of age or older, for state funding of those instructional personnel service units operated and fundable at the second principal apportionment of the prior fiscal year, and for instructional personnel service units in excess of the number operated and fundable at the second principal apportionment of the prior fiscal year, in accordance with prescribed criteria. These additional units may not be authorized where, as specified, the pupils receiving special education services exceed a stated percentage or ratio of the pupil enrollment total for the special education local plan area

Existing law authorizes a special education local plan area to apply for, and the Superintendent of Public Instruction to grant, a waiver of certain standards and criteria if compliance would prevent the provision of free, appropriate public education or would create undue hardship Existing law requires the superintendent to consider, among other things, in granting those waivers, the location of licensed children's institutions, foster family homes, residential medical facilities, and other similar facilities within the boundaries of a local plan area if 5% or more of the local plan's unduplicated pupil count resides in those facilities

This bill would revise these requirements by requiring the superintendent to consider the location of those institutions within the boundaries of a local plan if 3% or more of the local plan's unduplicated pupil count resides in those facilities

This bill would also exclude the pupils in these facilities from the pupil enrollment total calculated for the purpose of the authorization of additional instructional personnel service units

This bill would authorize a special education local plan area to apply for, and the superintendent to grant, a waiver of specified standards if the waiver is programmatically justified.

This bill would specify that these waivers shall include an authorization for additional instructional personnel service units for a special education local plan area meeting the criteria for emergency instructional personnel units prescribed under specified provisions of current law or for special education local plan areas demonstrating an increased enrollment of students requiring additional instructional personnel service units.

(5) Existing law requires the Superintendent of Public Instruction, for the 1980–81

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fiscal year and each fiscal year thereafter, to apportion to each school district and county superintendent of schools providing special education programs under specified provisions of current law, an amount equal to the difference, if any, between certain costs of special education instruction to pupils in licensed children's institutions, as specified, and income received by the district for these special education programs.

This bill would extend the requirements of existing law by requiring the superintendent to include services to pupils in foster family homes, residential medical facilities and other similar facilities within the category of costs, for purposes of computing the above-referenced apportionment

This bill also would authorize the superintendent to reimburse each school district and county office of education providing services to individuals with exceptional needs residing in licensed children's institutions and foster family homes who are placed in state-certified nonpublic, nonsectarian schools for assessment and identification costs

This bill would require the superintendent to establish and maintain an emergency fund for the purpose of providing relief to special education local plan areas when a licensed children's institution, foster family home, residential medical facility or other similar facility serving individuals with exceptional needs opens or expands during the course of the school year and impacts the educational program, or when a pupil is placed in a facility for which no public or state-certified nonpublic program exists within the special education local plan area in which the pupil's individualized education program can be implemented during the course of the school year This bill would prescribe criteria and procedures to be implemented by the superintendent for the allocation of these funds. This bill would provide that notwithstanding certain provisions in the Budget Act of 1985, $1,561,000 shall be allocated for purposes of establishing and maintaining this emergency fund

This bill would require the superintendent, in the 1986–87 fiscal year and each fiscal year thereafter, to determine the need in that fiscal year for which emergency funding pursuant to the requirements of this bill was provided in the prior fiscal year This bill would specify that if the need for that funding still exists, permanent funding of that need shall be the first priority in the allocation of instructional personnel service units from any appropriation for growth in instructional personnel service units, or from instructional personnel service units which were released by another special education local plan area. This bill would specify that in the event permanent funding for those units is not available in the current year, those units shall receive first priority for emergency funding, as specified.

(6) This bill would authorize the superintendent to reimburse districts and county offices of education providing programs under specified provisions of current law for assessment and identification costs for pupils in licensed children's institutions, foster family homes, residential medical facilities, and other similar facilities, as prescribed, and would reappropriate $300,000 to the Superintendent of Public Instruction from specified provisions of the Budget Act of 1985 for that purpose

(7) This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984

(8) This bill would appropriate $30,000 from the General Fund to the Superintendent of Public Instruction for purposes of reimbursing school districts for nonpublic, nonsectarian school placements authorized by the repeal of specified provisions of current law for children in licensed children's institutions, and foster family homes, residential medical facilities, and other similar facilities made by this bill

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

Ch. 1000 (AB 1042) Jones Hazardous substances information and training

Existing law requires the Director of Industrial Relations to prepare and amend a list of hazardous substances according to a specified procedure, and provides that substances not on the director's list are not subject to the provisions of the Hazardous Substances Information and Training Act.

This bill would provide that, notwithstanding the above provision, in addition to those substances on the director's list of hazardous substances, any substance within the scope of the federal Hazard Communication Standard is a hazardous substance subject to the Hazardous Substances Information and Training Act.

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Existing law requires the director to review and revise the list of hazardous substances at least annually

This bill would instead require the director to review and revise the list of hazardous substances at least every 2 years.

Existing law provides that a hazardous substance is present in any mixture or product if it is 1% or more of the mixture or product or 2% if the hazardous substance exists as an impurity in the mixture

This bill would, in addition, provide that a hazardous substance is present in any mixture or product if it is one-tenth of 1% of the mixture or product if the hazardous substance in the mixture or product is designated as a carcinogen pursuant to specified provisions

Existing law provides that a laboratory in which a hazardous substance is used by, or under the direct supervision of, a technically qualified individual, as defined, is not an employer or manufacturer under the Hazardous Substances Information and Training Act.

This bill would provide that this exemption does not excuse a laboratory from specified duties with regard to not removing labels and maintaining material safety data sheets, and would revise the definition of a technically qualified individual.

This bill would also require the manufacturer, importer, and distributor of any hazardous substance, and the employer, to label each container of a hazardous substance in a manner consistent with specified federal and state provisions

Existing law provides that the Hazardous Substances Information and Training Act shall remain in effect only until January 1, 1986, unless a later enacted statute deletes or extends that date

This bill would delete the January 1, 1986, repeal of those provisions

This bill would impose a state-mandated local program by increasing the number and concentrations of hazardous substances about which a public employer is required to provide information to employees, by requiring public employers to label each container of a hazardous substance in a specified manner, and by deleting the repeal of the Hazardous Substances Information and Training Act, thereby making public employers subject to that act after January 1, 1986

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 1001 (AB 935) Costa Housing.

(1) Existing law requires the Department of Housing and Community Development to administer various housing programs.

This bill would permit the department to enter into long-term contracts or agreements for the purpose of servicing loans or grants or enforcing regulatory agreements or other security documents The bill would also permit the department to make advance payments to eligible borrowers and grantees under any loan or grant program administered by the department if the department determines that the advance payments are necessary to meet the purposes of the housing program and for the feasibility of the assisted project, and that the use of the funds is adequately regulated by contract or budgetary controls.

(1 5) Existing law requires the department to establish a program to replace housing units as a part of the so-called Century Freeway Housing Program.

This bill specifies that the department may agree to indemnify and hold harmless a contractor who provides architectural or engineering services and would permit the department to agree to repair or pay for any damage caused by activities undertaken pursuant to that contract or agreement

(2) Existing law requires agency heads who contract for private architectural or professional engineering services to establish procedures, by regulation, that assure that these services are engaged on the basis of demonstrated competence and qualifications

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and to assure maximum participation of small business firms, as specified

This bill would provide that neither the Director of Housing and Community Development nor the Secretary of the Business, Transportation and Housing Agency need adopt those regulations but would still require the director to follow those procedures for architectural or engineering services for the Century Freeway Housing Program.

(3) Existing law establishes the California Housing Advisory Service within a division of the Department of Housing and Community Development.

This bill would change the name of that program to the California Self-Help Housing Program.

(4) Existing law authorizes the California Housing Advisory Service to contract with public entities and private nonprofit corporations to provide financial assistance to persons and families of low or moderate income who are owner-builders or self-help rehabilitators, as defined Existing law requires any units constructed or rehabilitated to remain affordable to, and occupied by, lower income households for at least 20 years.

This bill would delete the latter requirement, would permit the department to establish income requirements by regulation, and would revise the definitions of owner-builder and self-help rehabilitators for purposes of the program.

(5) Existing law permits the department to adopt regulations to implement the provisions described in paragraph (4).

This bill would, instead, require the department to adopt regulations containing specified requirements.

The bill would prohibit the department from contracting with any public entity or private nonprofit corporation that denies the benefits of the self-help housing program to certain persons or discriminates against certain persons.

(6) Existing law creates the Self-Help Housing Fund in the State Treasury and continuously appropriates the money in the fund for specified purposes

This bill would provide that the moneys in the fund shall not be transferred to other specified funds and would make an appropriation by providing that all interest, dividends, and pecuniary gains from investments accrue to the fund.

(7) Existing law permits the department to make loans from the existing Mobilehome Park Purchase Fund to certain entities and persons to finance mobilehome park conversion costs, as defined, and to reduce the monthly housing costs of residents of mobilehome parks that have been converted, or which plan to convert, to resident ownership.

This bill would require the department to require participation by cities and counties in applications for assistance submitted under those loan programs, to the greatest extent possible

(8) The Budget Act of 1985 appropriated $3,000,000 for deposit in the Housing Rehabilitation Loan Fund for the purpose of acquiring and rehabilitating residential hotels expressly for elderly and handicapped persons.

This bill would delete the requirement that those funds be utilized for that purpose expressly for elderly and handicapped persons.

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

Ch. 1002 (AB 307) Wright. Commercial fishing

(1) Existing law prohibits the taking of California halibut less than a specified length unless it weighs a specified amount, except that the holder of a commercial fishing license may possess not more than 30 pounds of California halibut of less than the specified length or weight for noncommercial use if taken incidentally in commercial fishing.

This bill would impose a state-mandated local program by, instead, allowing the holder of a commercial fishing license to possess not more than 4 undersized California halibut under that exception.

(2) Under existing law, the use of gill or trammel nets to take fish for commercial purposes requires a permit from the Department of Fish and Game, and the use is restricted or prohibited by various statutes and regulations

This bill would, until January 1, 1990, prohibit the department from issuing new gill or trammel net permits, except to persons who applied to take the examination for a permit prior to January 1, 1986, and pass the examination, but would authorize renewal of existing, valid permits and would allow the transfer of permits by specified permittees. The bill would require a report by the department to the Legislature by January 1, 1989,

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on a limited entry program for gill or trammel net permits.

(3) Existing law does not limit the quantity of gill or trammel nets that a permittee may use, nor restrict the use of gill or trammel nets to take halibut.

This bill would impose a state-mandated local program by, commencing on August 15, 1986, prohibiting a permittee, between Ragged Point in San Luis Obispo County and Point Dume in Los Angeles County, from fishing for California halibut with a total of more than 1,000 fathoms of set gill or trammel net per day or with mesh size less than 8½ inches in length.

(4) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Code to the Department of Fish and Game for specified purposes.

Because this bill would make the moneys available for a new purpose, it would make an appropriation.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1003 (AB 316) Stirling Common-interest subdivisions.

AB 314 of the 1985–86 Regular Session would add Sections 1356 and 1368 to the Civil Code relating to common interest subdivisions

This bill would add Sections 1356 and 1368 to the Civil Code making the same changes in the law as the sections of those numbers proposed by AB 314, but would also contain nonsubstantive, corrective changes in the language proposed by AB 314, if this bill is enacted after AB 314 and both bills are effective January 1, 1986

Ch. 1004 (AB 717) Areias. Licensed farm products processors and produce dealers assessments.

(1) Existing law makes it a misdemeanor for a person licensed as a farm products processor or as a produce dealer to fail, neglect, or refuse to remit to the Director of Food and Agriculture any assessments which are levied on producers pursuant to the California Marketing Act of 1937, the Agricultural Producers Marketing Law, or the California Beef Council Law.

This bill would add assessments levied pursuant to the law relating to state commissions that aid the marketing of avocados, eggs, iceberg lettuce, kiwifruit, pistachio nuts, cherries, and wheat to those assessments that a licensed processor or dealer is required to remit to the director.

(2) Existing law defines "grower," "handler," "grower-handler," "producer," and "processor" for the purpose of the various laws relating to state agricultural commissions

This bill would include in these definitions the directors and officers of corporations that qualify as growers, handlers, grower-handlers, producers, or processors, as the case may be, for the purpose of the laws relating to commissions that aid in the marketing of iceberg lettuce, avocados, kiwifruit, pistachio nuts, wheat, cherries, and eggs The bill would subject these directors and officers to the liabilities incurred otherwise by growers, handlers, grower-handlers, producers, and processors. The bill would also require a court to issue to these commissions any requested writ of attachment or injunctive relief, as specifed, if an applicable statute or regulation is violated or if a required assessment is not paid

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

By prohibiting processors and dealers from failing to remit assessments levied on various farm products, this bill would impose a state-mandated local program by creating a new crime.

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

(4) The bill would also make other related and conforming changes in the laws relating to these commissions.

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

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Ch 1005 (AB 299) Areias. Mental health.

Existing law provides for state hospitals which serve mentally disordered persons.

This bill would state the intent of the Legislature that beds in state hospitals serving mentally disordered persons be allocated to local programs for the mentally disordered in a manner that particularly considers the needs of counties of limited population, financial resources, and capacity for providing secured care. The bill would provide that for counties with a population of 150,000 or less in the 1980 federal census and where specified conditions are met, by the county, up to 2 patients utilizing state hospital days for 2 years or more under conservatorship shall not apply toward that county's allocation of state hospital days and that no conservatee shall remain in the state solely to qualify for this exception. The bill would require that this provision be funded from the appropriation for state hospital beds for the mentally disordered in the annual Budget Act.

These provisions would be repealed on January 1, 1989.

Ch. 1006 (AB 1132) Wright. Cities and counties: general plans.

Existing law requires each city and county to adopt a comprehensive long-term general plan for the physical development of the city or county, and requires local zoning ordinances and developments within the city or county to be consistent with the general plan.

Existing law prescribes procedures for periodic amendment of the general plan by the legislative body of the city or county and for the planning commission, if any, to recommend changes in the general plan to the legislative body.

Existing law does not grant to property owners the right to appeal to the legislative body from a decision of a planning agency denying the property owner's request for an amendment of the general plan to accommodate proposed development of the property.

This bill would impose a state-mandated local program by expressly requiring cities and counties to establish procedures for any interested party to file a written request for a hearing by the legislative body, as prescribed. The bill would permit the legislative body to impose a fee to cover the cost of establishing those procedures and conducting the hearing.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1007 (AB 771) Katz. Vehicles· removal from highway

Under existing law, peace officers and certain county and city employees may remove a vehicle from a highway for specified reasons, including when any unattended vehicle is found upon a highway with a registration expiration date in excess of one year before the date it is found on the highway

This bill would delete the requirement that the vehicle be unattended and would limit the persons who may remove vehicles under this provision to peace officers, as defined.

Ch. 1008 (AB 753) Lancaster. Department of Motor Vehicles. administrative fees· driving privileges.

(1) Existing law requires the Department of Motor Vehicles to determine specified administrative fees related to parking violations at the time a motor vehicle registration is applied for, and requires the fees to be sufficient to also cover costs incurred by the Department of the California Highway Patrol as a result of violations of registration requirements

This bill would delete these requirements and instead would require the department to assess a fee for the recording of the notice of failure to appear for specified parking violations The bill would revise procedures for court notification of Vehicle Code infractions to the department.

(2) Existing law requires an action to review any order of the department refusing, canceling, suspending, or revoking a person's driving privilege to be brought within 90 days of notice of the order

This bill would impose the same limitation on any action to review an order placing a person's driving privilege on probation.

(3) Existing law requires courts to collect specified administrative service fees deter-

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mined by the department and to transmit the money to the county treasury. The transmitted fees are required to be paid to the state in the same manner as fines are transmitted to the state

This bill would delete this requirement.

(4) The bill would incorporate changes to Section 4762 of the Vehicle Code proposed by AB 1652, to become operative if both bills are enacted and become effective on January 1, 1986, and this bill is enacted after AB 1652.

Ch. 1009 (AB 776) Frazee. Telephonic sellers.

(1) Nothing in existing law requires persons who solicit sales over the telephone to register to do business in this state

This bill would require persons who conduct specified types of telephone sales to register with the Department of Justice not less than 10 days prior to doing business in this state, as defined. The bill would exempt (a) solicitation for sales of securities qualified or exempt under the Corporate Securities Law of 1968, (b) real estate licensees, when soliciting transactions within their licensure, (c) licensed contractors, when soliciting transactions within their licensure, (d) specified insurance licensees, when soliciting transactions within their licensure, (e) solicitation for sales of franchises registered with the Department of Corporations or exempt therefrom, (f) solicitation of sales of specified seller assisted marketing plans, (g) persons primarily soliciting sales of a newspaper of general circulation, magazine, or membership in a book or record club, as specified, (h) solicitation of specified previous customers, (i) solicitations to be followed by closing of the sale in person, (j) specified financial institutions and insurers, (k) solicitation of regulated preneed funeral arrangements, (*l*) persons licensed under the Cemetery Act when acting pursuant to that licensure, (m) persons soliciting sales of the services of a licensed or franchised cable television system, (n) persons and affiliates of persons regulated by the Public Utilities Commission, (o) specified commodities sales, (p) corporations and subsidiaries of corporations with stock registered or exempted from registration under Section 12 of the federal Securities Exchange Act of 1934, and (q) persons soliciting exclusively for the sale of telephone answering services to be provided by the solicitor or the solicitor's employer

The bill would require registrants to submit prescribed information annually and whenever changes occur. The bill would require registrants to pay an annual $50 fee. Registrants would be required to conspicuously post evidence of registration at their business locations and, prior to receipt thereof, to post a copy of the first page of the registration form sent to the department.

The bill would require telephonic sellers subject to the bill to provide specified information to prospective purchasers, but would prohibit a telephonic seller from making or authorizing the making of any reference to its compliance with the bill to any prospective or actual purchaser. The bill, with certain exceptions, would require telephonic sellers subject to the bill to appoint the Attorney General as their agent for service of process, when service cannot be effected on their otherwise designated agents for service of process, as specified.

(2) The bill would impose a state-mandated local program by making it a misdemeanor with prescribed punishment for a salesperson to make nonexempt solicitations on behalf of an unregistered telephonic seller The bill would also impose a state-mandated local program by making willful violation of the bill and specified fraudulent or deceitful acts in connection with telephonic sales punishable in the alternative as a felony or misdemeanor

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1010 (AB 762) Moore. Crimes. sentence enhancement.

Existing law delineates various punishments for criminal acts

This bill would provide that any person who is a primary care provider in a day care facility and who is convicted of a felony violation of certain statutes prohibiting certain sexual conduct, where the victim of the crime was a minor entrusted to his or her care

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by the minor's parent or guardian, a court, a public agency charged with the provision of social services, or a probation department, may have his or her punishment enhanced, as specified

Ch. 1011 (AB 896) Hannigan Vehicles: records.

Under existing law, the Department of Motor Vehicles is required to maintain certain records, including traffic accidents for which an individual was cited for a violation under the Vehicle Code. Records of the department, including those relating to accident reports are required, with certain exceptions, to be open to public inspection during office hours.

This bill would limit the information regarding reports of traffic accidents required to be noted on an individual's record, and which are open to the public, to those in which the individual was involved, except where, in the opinion of a reporting officer, another individual was at fault The bill would also require that all abstracts of accident reports be available to law enforcement agencies and courts of competent jurisdiction. The bill would become operative 6 months after its effective date.

Ch. 1012 (AB 1117) La Follette. Criminal records

Existing law provides for the furnishing of conviction records relating to sex crimes, drug crimes, or crimes of violence, as defined, concerning persons who apply for employment or volunteer for a position which involves supervisory or disciplinary power over a minor. Under existing law a crime committed outside of California is a sex crime for the purpose of those provisions, as specified.

This bill would also provide that a crime committed outside of California is a drug crime or crime of violence for the purpose of those provisions, as specified.

Existing law limits the furnishing of those records in the case of misdemeanor drug and violence convictions to cases where the person has 3 or more misdemeanor convictions in a 10-year period

This bill would revise that limit to prohibit the furnishing of misdemeanor convictions unless the person has 3 or more misdemeanor or felony convictions for a drug crime or crime of violence within the 10-year period.

This bill would incorporate changes in Section 11105.3 of the Penal Code proposed by AB 1976, but only if AB 1976 is chaptered and becomes effective, and this bill is chaptered last.

Ch. 1013 (AB 1414) Duffy. Bicycles.

(1) Under existing law, any person who rides a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence thereof, is guilty of an infraction and subject to a fine of not more than $250.

This bill would make a violation of this provision a misdemeanor, thus imposing a state-mandated local program, but would retain the punishment of a fine not to exceed $250 for a conviction thereof.

The bill would ~~also~~* require ~~any~~ [the arresting officer, upon the request of the]* person who is arrested for a violation of this provision [,]* to ~~be given the opportunity to complete~~ [have]* a chemical test [made]* of ~~his or her~~ [the person's]* blood, breath, or urine for the purpose of determining the alcoholic or drug content of ~~his or her~~ [the person's]* blood.

(2) Under existing law, the officer arresting a person for violating specified provisions of the Vehicle Code has the option of giving that person a 10 days' notice to appear or taking that person before the nearest magistrate who has jurisdiction over the alleged offense in the county where the alleged offense occurred.

This bill would grant the arresting officer this option with respect to a person who rides a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence thereof

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill incorporates~~

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[(4) The bill would incorporate]* amendments to Section 21200 of the Vehicle Code ~~contained in~~ [proposed by]* AB 522 to become operative only if [both this bill and]* AB 522 ~~is~~ [are]* enacted [and this bill is enacted last]*

Ch. 1014 (AB 945) McAlister. Insurance.

Existing law authorizes various forms of insurance but does not specifically provide for the issuance of municipal bond insurance.

This bill would provide for municipal bond insurance. Only insurers authorized to write surety insurance could issue municipal bond insurance. The insurer would be required to be qualified by the Insurance Commissioner and to meet various financial and fiscal requirements.

Among other things, the bill would limit an insurer's total net liability That limit would become operative on January 1, 1988, unless delayed by the commissioner to not later than January 1, 1989. The bill would require the commissioner to report to the Legislature on this and other specified requirements no later than April 1, 1987

The bill would establish limits for the total net liability of such an insurer.

The bill would provide for a fee of $1,500 for filing an application for qualification and a fee of $500 for filing an application for release of a percentage of the contingency reserve and of $500 or more for review and determination of the use of specified collateral security in connection with one issue. Since the fees would be deposited in the continuously appropriated Insurance Fund, the imposition of the fee would result in an appropriation.

Ch 1015 (AB 1942) Elder State employees. Governor's Reorganization Plan No 1 of 1984

(1) Existing law provides that regulations and other provisions pertaining to the layoff or demotion of civil service employees that are established or agreed to by the Department of Personnel Administration shall be subject to review by the State Personnel Board for consistency with merit employment principles

This bill would limit this review by the board to regulations and other provisions pertaining to the layoff or demotion in lieu of layoff, rather than layoff or demotion, of civil service employees.

(2) The Governor's Reorganization Plan No. 1 of 1984, which became effective on June 11, 1984, transferred various functions from the State Personnel Board to the Department of Personnel Administration relating to the maintenance of an official roster of persons holding civil service positions and relating to the allowance of claims for additional reimbursement for work outside of the employee's classification, and made related changes

The reorganization plan deleted specific administrative responsibilities of the State Personnel Board relating to the creation and adjustment of classes of positions in the state civil service under the Personnel Classification Plan. It required the board, in establishing, altering, or abolishing classes, to consider the recommendations of the Department of Personnel Administration

The reorganization plan provided for the transfer to the Department of Personnel Administration of responsibilities with respect to the administration of the Personnel Classification Plan, subject to Article VII of the California Constitution, as well as the employees, records, property, and funds of the State Personnel Board, and made related changes.

The reorganization plan also made the department responsible for salary administration and position classification of executive personnel in career executive assignments, and made related changes

This bill would codify the changes made by the Governor's Reorganization Plan No 1 of 1984

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

Ch 1016 (AB 1477) Moore Public utilities· acquisition and control

Under existing law, the operations and services of public utilities are subject to regulation by the Public Utilities Commission. Existing law prohibits any person or corporation, whether or not organized under the laws of this state, from acquiring control, directly or indirectly, of any public utility organized and doing business in this state without the

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commission's authorization.

This bill would permit the commission to exempt any public utility or class of public utility from this requirement if it finds that the application of this requirement to the public utility or class of public utility is not necessary in the public interest The bill would, in this connection, authorize the commission to establish rules or impose requirements for the protection of the customers or subscribers of the exempt public utility or class of exempt public utility, as specified

The bill would take effect immediately as an urgency statute

Ch 1017 (AB 149) Harris Community care facilities

(1) Existing law contains provisions for the licensure and regulation of community care facilities, as defined, by the Department of Social Services Existing law prohibits the department from charging a fee for the issuance or renewal of a license or for processing any application therefor for the above-described facilities

This bill would, with an exception for certain facilities and agencies, authorize charges and would set forth fee schedules based on facility capacity and type, but would provide that the fees shall not be imposed until the Auditor General makes the report to the Legislature described in paragraph (3) below The bill would exempt foster family homes and all facilities operated by public agencies from the fees.

This bill would specify the purposes for which these fees could be utilized when appropriated for these purposes.

(2) The bill would require the department to inspect any community care facility, and would permit the department to take remedial action, as appropriate, within 90 days of the issuance of a license or special permit to the facility

(3) The bill would also require the Auditor General to report to the Legislature by no later than March 1, 1986, with findings and recommendations on costs and rate structure for residential facilities for all client groups

Ch 1018 (AB 1068) Campbell John Swett Unified School District repayment of emergency apportionment

Chapter 70 of the Statutes of 1981 provided the John Swett Unified School District with an emergency apportionment, and established a method for the repayment of that emergency apportionment

This bill would revise the interest rates used to determine the amount deducted from the district's apportionment representing interest on the emergency apportionment

This bill would state the legislative intent to make changes in state apportionments to the John Swett Unified School District for the fiscal year 1985–86 in their entirety and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year

This bill would declare the legislative finding that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, due to the unique circumstances affecting the John Swett Unified School District

The bill would take effect immediately as an urgency statute.

Ch. 1019 (AB 1620) Farr. Restricted live wild animals fish and game

(1) Existing law prohibits the importation, transportation, possession, release, or capture of specified animals, except under a permit issued by the Department of Fish and Game or pursuant to certain provisions or regulations Existing law requires that a fee accompany an application for a wild animal permit Existing law defines zoo as an organization which exhibits animals to the general public during specified hours and whose animals are not for sale, except that certain exhibitors are authorized to buy wild animals from a zoo and are permitted to transfer or sell that animal only to a person or organization which has a wild animal permit Existing law exempts a zoo which meets specified federal regulations from certain fees and permit requirements and requires the determination of whether a zoo meets these regulations to be based upon federal inspection information Existing law also specifies that an aquarium which meets these regulations is to be considered a zoo Existing law requires that a fee of $100 be charged for the inspection of cat facilities and that the annual fee for the permit for possession of a nondomestic cat be set by the Fish and Game Commission

This bill would require the exhibitor or dealer who sells or transfers a wild animal

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purchased from a zoo, as defined, to pay a fee to the department, thereby imposing a state-mandated local program, since failure to pay the fee would be a misdemeanor. The bill would also exempt from the definition of zoo any organization whose animals are displayed or made to perform for profit. The bill would delete the requirement that a zoo meet the specified federal regulations and the provision regarding the source of the information for making the determination of whether the zoo meets the federal regulations. The bill would also delete the provision concerning aquariums which meet the federal regulations.

The bill would continuously appropriate the permit, transfer, and inspection fees to the Director of Fish and Game to reimburse the department and eligible local entities, as defined, for the costs incurred in administering and enforcing provisions concerning the possession of, handling of, care for, or holding facilities provided for, certain wild animals and cats, thereby making an appropriation. The director would be required to enter into memorandums of understanding with eligible local entities by January 1, 1987, for the purpose of administering and enforcing these permit and inspection requirements.

The bill would require the director to appoint a committee for advice on the humane care and treatment of wild animals and would require the committee to make recommendations on frequency of inspections, as specified

The bill would require that all wild animal facilities be inspected by the eligible local entity or the department, as determined by the advisory committee The department and eligible local entities would additionally be authorized to inspect these facilities, or the facilities of a zoo, pursuant to the regulations of the Fish and Game Commission, and an inspection fee for such an inspection would be required to be collected by the department or eligible local entity

The bill would require that all cat facilities be inspected by the eligible local entity or the department pursuant to the regulations of the Fish and Game Commission The bill would delete the requirements that the inspection for cat facilities be conducted annually and that the inspection fee for cat facilities be $100. The bill would require the department to set the amount of the permit fee for a nondomestic cat

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1020 (AB 1098) Tucker. In-home medical care services

Existing law provides that in-home medical care services are one of the types of services provided to qualified low-income persons under the Medi-Cal program.

Existing law does not specifically delineate the services included under the definition of in-home medical care services.

This bill would provide that in-home medical care services include specified items

This bill would incorporate additional changes to Section 14132 of the Welfare and Institutions Code proposed by AB 1172, AB 1336, and SB 1299, contingent upon the enactment of those other bills

Ch. 1021 (AB 2011) Tucker Health care information

(1) Existing law requires the Office of Statewide Health Planning and Development to charge and collect from licensed health facilities a special fee to produce revenues equal to the appropriation to pay for specified health planning and data consolidation functions of the office and other agencies

This bill would establish within the office the California Health Data and Planning Fund for the purpose of receiving and expending those fee revenues Fees deposited in the fund and not required to meet appropriations in the Budget Act would remain in the fund until appropriated by the Legislature.

(2) Existing law known as the Health Data and Advisory Council Consolidation Act makes certain findings and declarations, including, that it is the intent of the Legislature to continue a more limited, cost disclosure program

This bill would, instead, declare it is the intent of the Legislature to continue an appropriate cost disclosure program

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(3) Under the law described above every health facility and hospital is required to file certain information with the Office of Statewide Health Planning and Development. Existing law requires a hospital to file a Hospital Discharge Abstract Data Record annually not later than 6 months after the end of the calendar year.

This bill would define a health facility and a hospital for purposes of these provisions. It would require the Hospital Discharge Abstract Data Record to be filed semiannually not later than 6 months after the end of each semiannual period commencing 6 months after January 1, 1986. It would impose a state-mandated local program to the extent this new requirement is applicable to hospitals of local public entities. This bill would make certain clarifying changes in the data required to be reported pursuant to the act.

(4) Existing law requires the office to make certain information available to interested parties at cost.

This bill would expand the class of information that may be made so available.

(5) Existing law requires the office in a prescribed manner to compile and publish summaries of certain data.

This bill would eliminate statutory guidelines pertaining to the summaries This bill would additionally require the office to continue the publication of certain aggregate industry and individual health facility cost and operational data which is required to be published by the California Health Facilities Commission under a statute which will be repealed on January 1, 1986.

(6) Existing law authorizes any health facility affected by any determination made under the Health Data and Advisory Council Consolidation Act to petition the Office of Statewide Health Planning and Development for a review of the decision Existing law requires that the hearing on the petition be held before an employee of the Office of Statewide Health Planning and Development or a hearing officer employed by the Office of Administrative Hearings. Existing law also prescribes procedures applicable to these hearings

This bill would additionally authorize these hearings to be held before a committee of the California Health Policy and Data Advisory Commission chosen by the chairperson of the commission, would revise the procedures prescribed for the hearings, and would make the procedures applicable to hearings conducted by a committee of the commission.

(7) This bill would incorporate the changes to Sections 443.31 and 443.32 of the Health and Safety Code proposed by AB 991, which will only become operative if both bills are enacted and this bill is enacted last.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1022 (AB 628) Lancaster. Vehicles: occupational regulation.

(1) Under existing law, the owner of a facility purchasing vehicles exclusively for reducing the vehicles to their component materials is required to obtain, on a form approved or provided by the Department of Motor Vehicles, a certification by the person from whom the vehicles are obtained that the vehicles have been cleared for dismantling by a licensed dismantler, as specified Existing law also requires a vehicle obtained for that purpose from other than a licensed dismantler, or from a hauler who obtained the vehicle from a licensed dismantler, to be accompanied by either a department receipt that the vehicle is cleared for dismantling by a licensed dismantler or by a local order or ordinance of abatement of the vehicle, as specified.

A violation of these requirements is a misdemeanor.

This bill would authorize that acquisition if the owner of the facility obtains a certification from either a licensed dismantler or another person under specified conditions The bill would also require, instead, if the vehicle is obtained other than from a licensed dismantler or the specified hauler, that the vehicle be accompanied by a department receipt that the vehicle is cleared for dismantling by that other person, as specified,

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along with that person's certificate.

The bill would require that, to be a ground for suspension or revocation of license, an automobile dismantler's violation of the provisions relating to clearing the vehicle with the department before dismantling to have been committed knowingly, repeatedly, or flagrantly.

The bill would also change the criminal penalties for a licensed automobile dismantler who does not conform to the requirements for clearing a vehicle with the department for dismantling.

The bill would, therefore, impose a state-mandated local program by creating a new crime, by changing the definition of a crime, and by changing the penalties for a crime.

The bill would also change the misdemeanor penalties if a person, other than a dismantler, violates the requirement to surrender specified documents of registration and license plates of a vehicle before beginning to dismantle the vehicle, thus imposing a state-mandated local program

The bill would also make technical, conforming changes to the provisions relating to administrative investigation service fees imposed on persons dismantling vehicles for failing to comply with the clearance requirements

(2) Existing law requires remanufacturers, as defined, in addition to dealers and lessor-retailers, as defined, to use numbered report-of-sale forms, as specified. A remanufacturer, dealer, or lessor-retailer who violates the terms and conditions for use of reports-of-sale, as specified, is required, to pay an administrative service fee, as specified

This bill would delete remanufacturers from those provisions and would recast that provision.

(3) Under existing law, the department may, after notice and hearing, suspend or revoke a license of a driving school owner or operator or a driving instructor for specified acts

This bill would add to those prohibited acts the permitting of another to use the license to engage in the licensed activities The bill would also delete an obsolete, conflicting reference to the hearing procedure in those provisions and would, additionally, authorize the department to cancel the license of a driving school owner if the corporate charter of the licensee is canceled or suspended. The bill would also change the activities for which the department may summarily cancel the license, as specified

(4) Under existing law, after filing an accusation in a license suspension or revocation action against licensees in certain occupations and activities, the Director of Motor Vehicles may enter into a stipulated penalty with the consent of the licensee without hearing or appeal, and, unless the agreement is not honored by the licensee, the accusation may be withdrawn The agreement is required to be effected before the hearing and may include monetary penalties or probation

This bill would revise and recast those provisions and, additionally, would authorize the director to compromise the license action at any time after filing the accusation, but before the proposed decision, if any, is adopted or the case is decided in the specified administrative adjudication

The bill would extend the authority to compromise license actions to other occupational licenses and, except for traffic violator school owners, operators, and instructors, expressly authorize and specify the maximum monetary penalty which may be included in the compromise settlement agreement

(5) A violation of any of the department's occupational licensing provisions is a misdemeanor.

This bill would change some of those provisions, thus imposing a state-mandated local program by changing the definitions of crimes and by creating new crimes

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1023 (AB 1008) Floyd Taxation of fuels

Under the Motor Vehicle Fuel License Tax Law, a tax of 9 cents per gallon is imposed, with specified exceptions, on motor vehicle fuel used or usable for propelling motor vehicles. Under the Use Fuel Tax Law, a tax of 9 cents per gallon is imposed, with

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specified exceptions, on users of fuel, as defined.

This bill would expressly exclude fuels specifically manufactured and used for racing motor vehicles at a racetrack from the tax of 9 cents per gallon by excluding those fuels from the definition of "motor vehicle fuel" under the Motor Vehicle Fuel License Tax Law and from the definition of "fuel" under the Use Fuel Tax Law.

Ch. 1024 (AB 752) Lancaster Courts: San Bernardino County.

(1) Existing law authorizes the assignment of retired municipal court commissioners of Los Angeles, San Diego, or Monterey Counties to serve as municipal court commissioners at full compensation, less retirement allowance received

This bill would include within that authorization the assignment of retired municipal court commissioners of San Bernardino County

(2) Existing law specifies the divisions of the San Bernardino County Municipal Court District.

This bill would revise the composition of the Central Division of the San Bernardino County Municipal Court District.

(3) Existing law provides for the number, compensation, and classification of municipal court personnel in San Bernardino County

This bill would revise the number, compensation, and classification of municipal court personnel in San Bernardino County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1025 (AB 2580) Agnos Aid to Families with Dependent Children: employment

Existing law provides for various employment and training programs in order to provide services necessary to permit Aid to Families with Dependent Children (AFDC) program recipients to acquire unsubsidized employment

This bill would provide for an employment and training services program for these recipients, to be administered by each county welfare department, in a manner consistent with regulations developed by the State Department of Social Services

This bill would require each county, or a consenting group of counties, with the cooperation of community college districts, county offices of education, and private industry councils, to develop a plan for the program which contains a needs assessment containing specified elements Each plan would be subject to the approval of the State Department of Social Services

This bill would require each county plan to provide, or arrange for the provision of, as a minimum, specified types of employment, training, and supportive services, except that when any of these services are not provided for by a county its plan shall include a justification for not providing these services, and with the types of services which each county is to provide to be specified in the county plan

This bill would require all AFDC applicants or recipients required to register for employment or training services under federal law to register for this program, with all other AFDC applicants or recipients to be permitted to participate voluntarily in the program.

This bill would require the county and, with specified exceptions, each registrant, upon registration, to enter into a basic contract specifying the program components to be utilized by the participant, and the services to be provided by the county. The participant's initial program component assignment would depend upon specified factors. Under specified circumstances, certain registrants would not be required to participate in the program until the county welfare department determines that those circumstances no longer exist.

This bill would also provide methods for determining subsequent program assignments It would set forth procedures to be utilized when the county and the recipient cannot agree on a plan

This bill would provide for sanctions for nonregistration, or against participants for nonparticipation in program components without good cause, as defined, and against

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any service provider which fails to provide the required services

This bill would set forth a dispute resolution procedure in instances where the participant disagrees with an action of the county.

This bill would require various state agencies to perform specified functions, including a requirement that the State Department of Social Services seek available federal funding and any necessary waivers of federal law.

This bill would require the Superintendent of Public Instruction and the Chancellor's office of the California Community Colleges to identify school districts and community college districts, respectively, to best accommodate participants whose contracts require education and skills training, and to enter into necessary contracts for provision of those services. The bill would make specified funding sources available to pay for services provided under these contracts including an appropriation from Section B of the State School Fund.

This bill would require the Employment Development Department to provide the jobs services required by this bill.

This bill would include the job training and employment services required to be rendered to recipients who have contracted therefor within existing provisions implementing the federal Job Training Partnership Act, and within job training and placement programs for AFDC recipients under specified provisions It would also make related changes.

This bill would set a schedule for statewide implementation of the program.

This bill would exempt emergency regulations necessary for implementation of the bill and adopted within 120 days of the enactment of the bill from the review and approval of the Office of Administrative Law.

Since this bill places additional responsibilities on each county, it would create a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions provide a procedure for paying this reimbursement and require any statute mandating these costs to specify that reimbursement shall be made from the State Mandates Claims Fund for these costs

This bill would appropriate $7,900,000 from the General Fund and $7,900,000 from the Federal Trust Fund to the State Department of Social Services for the purposes of implementing this bill during the 1985–86 fiscal year, including reimbursements to counties for costs mandated by the state pursuant to this bill

The bill would appropriate $200,000 from the General Fund to the State Department of Education, for expenditure during the 1985–86 fiscal year, for the resource and referral program to support activities provided for in the bill

The bill would also require transfers of funds between the State Department of Education and the State Department of Social Services for purposes of child care, and these transfers would constitute appropriations.

The bill would also provide that, except as specified in the bill, appropriations for subsequent fiscal years shall be made pursuant to the Budget Act

The bill would reappropriate $2,000,000 from a specified item in the Budget Act of 1985, and $1,000,000 from the General Fund, to the Superintendent of Public Instruction, in order to carry out specified duties provided for in the bill

This bill would make its provisions operative only if SB 303 is enacted during the 1985 portion of the 1985–86 Regular Session.

This bill would take effect immediately as an urgency statute.

Ch. 1026 (SB 303) Roberti. Extended day care services

(1) Existing law provides for the allocation of state and federally subsidized child care and development services to eligible families according to a specified system of priorities.

This bill would establish an extended day care program within the State Department of Education. This bill would authorize the Superintendent of Public Instruction to adopt rules and regulations, and to establish standards, for extended day care programs This bill would require the superintendent to enter into contractual agreements with public and private agencies for the delivery of extended day care services. This bill would impose state-mandated costs by requiring school districts in which an applicant

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agency is located to develop an assessment addressing the need for extended day care services in the district, as specified.

This bill would require that extended day care services be provided in accordance with specified eligibility and priority of services requirements. This bill would require the Superintendent of Public Instruction to implement a plan for funding extended day care programs pursuant to the reimbursement rates and standards, as specified, for child care services This bill would require the allocation of funds in a geographically equitable manner, as specified.

This bill would require extended day care programs to meet specified licensing requirements.

This bill would provide for the lease of relocatable facilities for extended day care programs provided by contracting agencies. This bill would require that the facilities be leased to eligible contracting agencies, and that rent of $1 per year be charged for the facilities, or for relocatable facilities leased to other child care and development programs. This bill would require lessees to maintain and insure the facilities.

This bill would require the Superintendent of Public Instruction to establish qualifications for determining the eligibility of contracting agencies to lease relocatable facilities, and to establish leasing priorities, and would authorize the State Allocation Board, with the advice of the Superintendent of Public Instruction, to establish policies and procedures, to procure relocatable facilities, and to lease the facilities to contracting agencies.

This bill would require the State Department of Education to report to the Legislature by June 30, 1986, documenting the department's progress in implementing this bill. This bill would require the advisory committee that assists the State Department of Education regarding child development programs to also act in an advisory capacity for purposes of this bill.

(2) Existing law provides for the funding of state and federally subsidized child care and development programs

This bill would appropriate $8,175,000 from the General Fund to the Superintendent of Public Instruction for the purpose of making apportionments to agencies contracting to provide extended day care services. This bill would allocate $175,000 of that sum to the Legislative Analyst to contract for a study regarding the program set forth in this bill. This bill would require the superintendent to allocate 1.5% of the funds appropriated for the administrative costs of extended day care programs.

This bill would appropriate $14,000,000 from the state entitlements under the federal Outer Continental Shelf Lands Act to the State Child Care Facilities Fund, a continuously appropriated fund created by the bill, for capital outlay for extended day care services pursuant to this bill, including an allocation of up to 2.5% of this sum for administrative costs of the State Allocation Board. This bill would also appropriate $22,500,000 from those state entitlements to the State Child Care Facilities Fund for extended day care facilities that have developed a program plan in conjunction with a specified employment program for AFDC recipients, as proposed by Assembly Bill 2580 of the 1985–86 Regular Session Both of these appropriations authorize allocations for the state purchase of relocatable facilities, capital outlay, and other specified purposes for those programs. This bill would require the superintendent and the State Allocations Board to establish sufficient positions to adequately administer the programs. This bill would require the superintendent to report to the Legislature by June 30, 1986, regarding the administration of the programs and the number of programs funded.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would take effect immediately as an urgency statute.

Ch 1027 (AB 623) Farr. Federal spending information.

Existing law establishes a Commission on State Finance which is required to provide the Legislature, the Governor, and the public with forecasts of state revenues, current

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year expenditures, and the surplus or deficit at least 4 times a year

This bill would require the commission to develop and maintain an economic model capable of estimating the impact of federal expenditures on the state's economy and employment. It would require the commission to report semiannually to the Legislature and the Governor on the impact of federal expenditures on the state's economy and employment

The bill would require the Director of Employment Development to conduct a study to determine the feasibility of establishing a statewide network to monitor and disseminate information on significant federal contract actions affecting employment and job training needs in this state It would require the director to report on the study, as specified, and would grant to the director specified powers to carry out his or her duties under the bill

The bill also would require the Executive Director of the State Commission on Finance and the Director of Employment Development to establish jointly a working group on federal expenditures to advise them on their responsibilities under the bill

The bill would appropriate $150,000, as specified, for the purposes of the bill during the 1985–86 fiscal year.

Ch 1028 (SB 310) Keene Sales and use tax: exemptions.

The existing Sales and Use Tax Law exempts from the tax gross receipts from sales of tangible personal property to common carriers when the property is shipped by the seller via the purchasing carrier under a bill of lading to a point outside the state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business This law also exempts from this tax gross receipts from the sale of tangible personal property, other than aircraft fuel and petroleum products, purchased by a foreign air carrier and transported by the foreign air carrier to a foreign destination for use by the air carrier in the conduct of its business as a common carrier by air of persons or property

This bill, in addition, would exempt from the tax the gross receipts from the sale of fuel and petroleum products to a water, air, or rail common carrier, for immediate shipment outside this state for consumption in the conduct of its business as a common carrier after the first out-of-state destination Any common carrier claiming this exemption who is not required to hold a seller's permit would be required to register with the State Board of Equalization, obtain a fuel exemption registration number, file specified tax returns under specified conditions, and place with the board such security as the board may determine.

The bill would take effect immediately as a tax levy.

Ch 1029 (AB 1732) Hauser Nuclear powerplants: information: shipments

(1) Under existing law, each privately owned and publicly owned public utility operating a nuclear powerplant with a generating capacity of 50 megawatts or more is required to establish a system of offsite radiation monitoring devices.

This bill would enact the Nuclear Powerplant Communities Information Act of 1985 to require every privately owned and publicly owned public utility generating electricity by means of any nuclear powerplant and every privately owned and publicly owned public utility with a nuclear powerplant that is no longer producing electricity but is in the decommissioning process or is still radioactive to periodically provide emergency evacuation and other information, as specified, to residents of surrounding communities, and to provide specified county health officers with the public utility's "Effluent Monitoring Report." The bill would impose a state-mandated local program by imposing new duties on publicly owned public utilities.

The bill would also require the Department of the California Highway Patrol to make a specified report to the Legislature by July 1, 1986, concerning the shipment of hazardous radioactive materials

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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Ch 1030 (AB 685) Farr. Hazardous waste· reduction, recycling, and treatment

(1) Existing law requires the State Department of Health Services to coordinate research and study the recycling and recovery of resources from hazardous waste, to promote this recycling and recovery, and to conduct pilot projects to document emerging technologies for hazardous waste disposal. Existing law continuously appropriates the funds in the Hazardous Waste Control Account to the department to carry out the hazardous waste control law.

This bill would enact the Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1985 to require the department to establish a hazardous waste technology, research, development, and demonstration program to provide grants to universities, governmental agencies, and private organizations to research and develop hazardous waste reduction, recycling, or treatment technologies and to provide grants to cities, counties, and private organizations for the commercial demonstration of these technologies. The bill would specify procedures for the selection of demonstration grant recipients. The bill would require the department to conduct a study and make recommendations to the Legislature by June 1, 1986, on the department's waste reduction program. The bill would also require generators of hazardous waste to submit a report to the department every 2 years concerning waste reduction

The bill would require the department to report annually, commencing January 1, 1988, to the Governor and the Legislature on the status of the projects awarded grants.

The bill would appropriate $1,000,000 for the 1985–86 fiscal year from the Hazardous Waste Control Account to the department to carry out this program and the annual certification specified in (2) below.

(2) Existing law requires the department to issue hazardous waste facilities permits to use and operate hazardous waste facilities and requires the department to impose certain permit conditions.

This bill would require the department to include, as a permit condition for an onsite hazardous waste treatment, storage, or disposal facility, that the generator of the hazardous waste make an annual certification to the department concerning a waste reduction program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by creating new crimes concerning the generation of hazardous waste and by imposing costs upon local agencies which generate hazardous waste.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 1031 (AB 1601) Sher. Prisoners.

Existing law provides for the utilization of prison labor in various ways

This bill would require the Department of Water Resources to develop a plan for the utilization of prisoners in water resource projects, as specified, and to submit the plan to the Legislature no later than February 1, 1986

This bill would be repealed on January 1, 1987

The bill would take effect immediately as an urgency statute

Ch. 1032 (AB 1415) Mojonnier Alcohol and drug education programs: attendance

(1) Under existing law, a person who drives a motor vehicle under the influence of an alcoholic beverage, a drug, or both, with an excessive blood-alcohol concentration, or when addicted to a drug, with no prior convictions of specified offenses may be granted probation on specified terms and conditions, which include successful completion of an alcohol or drug education program, or both If a person is required to complete such a program, the person is required to furnish proof of enrollment and successful completion to the court within specified time periods. The Judicial Council is required to adopt a standard report form for certifying to the court the enrollment and completion of the programs.

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This bill would provide an exception from the requirement for a person to furnish proof of enrollment or successful completion to the court for any person who attends a program that is required to report to the court the failure of a person to enroll or successfully complete the program.

The bill would also delete the specific time periods during which proof of enrollment and successful completion is required to be furnished to the court and instead provide for that proof to be furnished within the time periods determined by the court, after consultation with the county alchohol program administrator.

The bill would impose a state-mandated local program by requiring an alcohol or drug education program to report failure to successfully complete the program to the court.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch. 1033 (AB 2544) Robinson. Bonds.

(1) Existing law authorizes the California Educational Facilities Authority and the California Health Facilities Authority to issue bonds.

(A) Existing law specifies that the proceeds from the sale of bonds or other revenues received by either of those authorities are trust funds and shall be held and applied solely as provided under the provisions of law applicable to the California Educational Facilities Authority and the California Health Facilities Authority.

This bill would, instead, provide that until those funds are applied as provided by the respective provisions of existing law, those funds may be invested in any obligations or securities authorized by resolutions of either authority.

(B) Existing law permits either of those authorities to apply the proceeds of any bond issue to the purchase, retirement, or redemption of outstanding bonds either on their earliest redemption date, any subsequent redemption date, or upon their purchase or maturity.

This bill would, in addition, permit those proceeds to be paid to a third person to assume the authority's obligation to make the payments

(C) Existing law provides that the proceeds of a bond issuance may be placed in escrow and applied to the purchase, retirement, or redemption of those bonds Existing law permits any proceeds placed in escrow to be invested or reinvested in obligations of, or guaranteed by, the United States, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States

This bill would, instead, permit those proceeds to be invested or reinvested in any obligations or securities authorized by resolutions of those authorities.

(D) Existing law limits the amount of bonds authorized to be outstanding at any one time by either of those authorities. Existing law provides that bonds for which the payment of funds has been placed in escrow prior to maturity or redemption are not to be considered as outstanding for the purposes of the limitation on the amount of bonds authorized to be outstanding at any one time.

This bill would also provide that bonds that are refunded are not to be considered as outstanding for purposes of those limitations.

(2) Existing law contains provisions which authorize certain local agencies to issue bonds and refunding bonds.

(A) Existing law requires an issuer, before selling an issue of refunding bonds of more than $500,000 in value, to advertise the bonds for public sale and invite sealed bids, and if no bids are received or if the issuer determines that the bids received are not satisfactory, authorizes the issuer to reject all bids and either readvertise or sell the bonds at private sale.

This bill would instead, permit a local agency to sell refunding bonds at public or private sale or on a negotiated sale basis.

(B) Existing law provides that the proceedings of any local agency authorizing the issuance of bonds are prohibited from requiring the deposit of more federal securities than are sufficient to implement the refunding of the bonds.

This bill would include other moneys and obligations within that prohibition.

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(C) Existing law requires bonds to be refunded with the proceeds of refunding bonds to be called at the first date on which the bonds may be legally called.

This bill would delete that requirement. The bill would permit the local agency to specify various other requirements applicable to the refunding bonds.

(D) Existing law requires that any federal securities acquired by a local agency with the proceeds of refunding bonds be acquired directly from the issuer of the federal securities or from any governmental fiscal agent for those securities Existing law also requires that the proceeds of any refunding bonds only be invested or reinvested in federal securities to the extent those securities are available for acquisition.

This bill would repeal those requirements

(E) The bill would also permit the proceeds of refunding bonds issued by a local agency to be applied to the purchase, retirement, or redemption of the bonds to be refunded, as specified. The bill would also permit a local agency that issues refunding bonds to obtain insurance or other credit enhancement of the refunding bonds and would permit the local agency to include all costs of issuing the refunding bonds and of refunding the bonds to be refunded in determining the amount of refunding bonds to be issued.

(F) The bill would also specify that the issuance, transfer, and interest income earned on bonds issued under specified statutory provisions are exempt from taxation by any state or local entity The bill would provide that a validating action may be brought pursuant to specified provisions contained in the Code of Civil Procedure to determine the validity of the bond issuance

(3) Existing law requires cities and counties, prior to approving the sale of certain housing bonds on a negotiated sale basis, to retain an investment firm to make specified findings.

This bill would delete that requirement.

(4) Existing law does not specifically regulate the activities of bond counsel, or investment firms and others having a financial advisory relationship with a local agency, in connection with the issuance of bonds by the local agency.

This bill would regulate certain of those activities.

(5) Existing law permits the Kings River Conservation District to sell a specified amount of bonds authorized to be issued for the Dinkey Creek Hydroelectric Project at a private or public sale and requires the board of directors of the district, prior to approving the sale of the bonds, to retain a nationally recognized investment firm to make specified findings of fact.

This bill would delete that requirement. The bill would provide that the issuance of those bonds is not subject to the provisions described in paragraph (4), above under prescribed circumstances.

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

Ch. 1034 (AB 1156) Areias. Groundwater recharge facilities financing.

Under existing law, there is no state program for financial assistance to local agencies for groundwater recharge facilities.

This bill would enact the Groundwater Recharge Facilities Financing Act to authorize the Department of Water Resources, in accordance with prescribed procedures and subject to specified limitations, to make loans to local agencies, as defined, to aid in the conduct of projects, as defined, for artificial groundwater recharge.

The bill would declare the projects to be eligible for funding pursuant to any bond law previously or subsequently approved if the projects are otherwise eligible.

The bill would make legislative findings and declarations in this connection, and would specify related matters.

Ch. 1035 (AB 2361) Robinson. Local agencies: interest rates.

(1) Under existing law, specified unpaid assessments of a reclamation district bear interest at the rate of 8% per year. Existing law also requires the amount paid for redemption of property sold for unpaid district assessments to include interest at the rate of 7% per year.

This bill would instead provide for an interest rate of 1% per month.

(2) The existing Mello-Roos Community Facilities Act of 1982 authorizes the legislative body of a local agency to sell bonds at private sale, if the legislative body determines

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that the action would result in a lower interest cost on the bonds Existing law would repeal this authority on January 1, 1987

This bill would delete the provision repealing that authority on January 1, 1987, thereby indefinitely extending the authority to take that action. The bill would also permit the legislative body to take that action if it determines that the action would result in lower overall cost, instead of only resulting in lower interest cost on the bonds as required by existing law

(3) This bill would also authorize the County of Los Angeles and the County of Orange to enter into contracts commonly known as "interest rate swap agreements" or "forward payment conversion agreements," as specified, until January 1, 1987.

(4) Existing law authorizes a joint powers entity created by agreement between 2 or more local agencies to issue revenue bonds, and provides, until January 1, 1986, for a maximum 12% annual rate of interest on the bonds

This bill would, until January 1, 1988, authorize the Kaweah River Power Authority to provide for those revenue bonds to bear interest at a rate not exceeding 18% if the governing body determines that the interest on the bonds will be subject to federal income taxation pursuant to specified provisions. The bill would make legislative findings and determinations

Ch. 1036 (AB 1946) Clute. Mentally and developmentally disabled patient records and information: confidentiality.

Under existing statutes, all information and records obtained in the course of providing mental health services under the Lanterman-Petris-Short Act or the Short-Doyle Act, in the course of providing services under the Lanterman Developmental Disabilities Services Act, or pursuant to the statutes relating to admissions and judicial commitments to mental institutions, with specified exceptions, are confidential One of such exceptions is their release to governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families

This bill would in addition permit disclosure of information and records of a state hospital serving the mentally disabled to governmental law enforcement agencies investigating evidence of a crime where the records relate to a patient confined as a mentally disordered sex offender in accordance with the prior written consent of the patient or if authorized upon probable cause, as assessed by the court in a prescribed manner. The bill would also authorize these law enforcement agencies to petition the court for an order under certain circumstances, requiring the records to be produced forthwith

This bill would prohibit records obtained by a law enforcement agency pursuant to the bill's provisions from being disseminated to any other agency or person, except in a specified circumstance, and would make willful dissemination in violation of such prohibition a misdemeanor

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1037 (AB 1792) Farr. Economic development.

The existing California Industrial Development Financing Act was established to promote and enhance economic development and to increase opportunities for useful employment by, among other things, providing an alternative method of financing the acquisition, construction, or rehabilitation of specified facilities.

Existing law authorizes the issuance of revenue bonds for, and on behalf of, private enterprise to facilitate the acquisition of specified types of property suitable for, or evidencing an obligation respecting, certain activities or uses.

This bill would authorize the acquisition of visitor serving commercial facilities or transient visitor accommodation facilities, as described, located in a city with a population of less than 50,000 persons within a county with a population of no more than 600,000

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persons, or located in the unincorporated portion of a county that has a population of less than 200,000 persons within a county with a population of no more than 600,000 persons.

This bill would incorporate additional changes in Section 91503 of the Government Code as amended by SB 566 to be operative only if this bill is chaptered after that bill, as specified.

Ch. 1038 (AB 2057) Alatorre Schools. employees

Existing law provides that if a certificated or classified employee of a school district or community college district is assigned to a position in the classified service or to a position requiring certification, respectively, of the same district, the employee shall retain all sickness and injury, sabbatical leave, and other rights and benefits All seniority and tenure rights accumulated by the employee at the time of assignment to the new position shall be secured to him or her for a period of 39 months from the time of acceptance of the new position, and the employee's return to certificated service at any time within the 39 months shall be treated as if there had not been an interruption in his or her certificated or classified service

This bill would eliminate the 39-month limitation upon the retention of these seniority and tenure rights upon reassignment and instead would secure the rights during the period the employee occupies the new position, thereby creating a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch 1039 (AB 1354) Herger. Produce inspectors.

(1) Existing law does not require persons who privately inspect and report on the quality of fruits, nuts, or vegetables to register with the state.

This bill would require any person, except for a county, state, or federal inspection agency, who, for payment by a private party, reports upon the condition of lots of fresh fruits or vegetables offered for sale other than for processing to register annually with the county agricultural commissioner in at least one county where he or she does business, thus resulting in a state-mandated local program. The commissioner would be required to forward this information to the Director of Food and Agriculture who would be required to maintain a central registry. A registration fee could be established by the board of supervisors to cover the costs incurred by the commissioner. The registered inspectors would be required to prepare and maintain reports, as specified. Failure to register would be a misdemeanor, thus this bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons

Ch. 1040 (AB 1551) Bradley. Courthouse construction

Existing law authorizes a county other than Los Angeles or the City and County of San Francisco to establish a Courthouse Temporary Construction Fund, funded by a penalty assessment of $1 for every $10 or fraction thereof on specified nonparking offenses; and authorizes the County of Los Angeles and the City and County of San Francisco to establish a Courthouse Temporary Construction Fund, funded by both a

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penalty assessment of $1 for every $10 or fraction thereof on specified nonparking offenses and by a surcharge of $1.50 on parking offenses.

This bill would remove the County of San Diego and the County of Santa Clara from the list of counties authorized to establish such a fund, and would instead authorize the County of San Diego or the County of Santa Clara to establish a Courthouse Temporary Construction Fund funded by both a penalty assessment of $1 for every $10 or fraction thereof on specified nonparking offenses and by a surcharge of $1.50 on parking offenses.

Ch 1041 (AB 447) Frazee. Vehicles. parking.

(1) Under existing law, any veteran who either (a) is a Congressional Medal of Honor recipient or (b) has a disability qualifying him or her for an exemption from certain vehicle-related fees is allowed to park in restricted zones. A disabled person, as defined, and a disabled veteran, as defined, are allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted. A disabled person, a disabled veteran, and a Congressional Medal of Honor recipient are allowed to park in any metered parking space without being required to pay any parking meter fees.

This bill would delete the provision authorizing a Congressional Medal of Honor recipient to park in restricted zones or to park in any metered parking space without being required to pay any parking meter fees

The bill would specifically provide that a disabled person and a disabled veteran may park in restricted zones designated by a white or blue painted curb, as described A disabled person and a disabled veteran would also be allowed to park for unlimited periods in parking zones with restricted parking periods indicated by signs erected pursuant to a local ordinance

The bill would also specifically provide that a distinguishing placard issued to a disabled person or a disabled veteran may be used in lieu of the distinguishing license plate for described parking purposes when displayed on the dashboard of a vehicle

(2) Under existing law, the private owner of an offstreet parking facility may designate certain parking spaces for handicapped persons and, by complying with specified sign requirements, cause the removal at the owner's expense of cars parking in violation. AB 2375 (Ch. 312, Stats. 1985) makes similar provisions for a private owner of an offstreet parking facility not open to the public and posted as such. This bill would also make numerous conforming changes, including conforming the changes made to Section 22511 8 by AB 2375, to this bill.

Ch. 1042 (SB 1289) McCorquodale. Election materials.

Existing law requires the county clerk to provide the precinct officers of an election various items used in the conduct of the election, as specified.

This bill would impose a state-mandated local program by requiring the clerk to also provide signs of appropriate size, designation, and quantities so that, when posted, they will enable the voter to locate the polling place and identify the areas in which electioneering and other activities are prohibited by law It would require the precinct official to post these signs and, after the close of the polls, to remove and return them along with other election materials.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1992, the provisions contained in the bill for which state reimbursement is required.

Ch 1043 (SB 1283) McCorquodale. Career opportunities development program. Work incentive program.

Existing law requires the State Personnel Board to report to the Legislature on April 1, 1980, and every 6 calendar months thereafter with respect to various work incentive

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programs.

This bill, instead, would require that the report be made on January 1 of each year.

Existing law makes legislative declarations and sets forth provisions concerning the responsibilities of the State Personnel Board with regard to carrying out career opportunities development programs.

This bill would repeal those provisions and, instead, would provide that the State Personnel Board shall carry out a Career Opportunities Development Program in public service by providing technical assistance to, and contracting with, cities, counties, units of state or local government, Indian tribes, as defined, and any nonprofit employer organized for a public purpose

Ch. 1044 (AB 2028) Areias Administrative regulations

Under existing law, the Administrative Procedure Act specifies the procedures for the adoption of administrative regulations by state agencies and requires state agencies to submit regulations to the Office of Administrative Law for review and approval in accordance with specified standards.

This bill would make various technical and clarifying changes in these procedures, including the nature and content of public documents which must be considered during the rulemaking process. Among other things, it would authorize state agencies to request the return of regulations from the Office of Administrative Law. It would provide that if the office disapproves a regulation, it shall return it to the adopting agency, accompanied by a written opinion detailing the reasons for disapproval, and would require this written opinion to be submitted to the Governor if the agency appeals the disapproval to the Governor

The bill would change the standards for office review of emergency regulations. It would provide further that if the office considers any information not submitted to it by the rulemaking agency when determining whether to file emergency regulations, the office shall provide the agency with an opportunity to rebut or comment upon that information.

Ch 1045 (AB 1187) Areias. Sales and use tax exemptions: packing ice.

Under existing law, food products for human consumption are exempt from taxation under the Sales and Use Tax Law

This bill would also exempt from the tax ice or dry ice used or employed in packing and shipping or transporting food products for human consumption.

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.

The bill would provide that no appropriation is made and the state shall not reimburse any local agency for any sales and use tax revenues lost by it pursuant to the bill.

The bill would take effect immediately as a tax levy, but it would not become operative until January 1, 1986

Ch. 1046 (AB 1633) Clute Veterans' Home of California: construction implementation estimate and plan.

ACR 43 of the 1983–84 Regular Session (Res Ch. 93, Stats. 1983) requested the Department of Veterans Affairs to study the feasibility of establishing a 2nd Veterans' Home of California in southern California and to report thereon to the Legislature on or before January 1, 1985 The report indicated a need for such a facility, and specified several alternatives for its construction or establishment.

This bill would direct the department to prepare a cost estimate for each of the alternatives specified in the January 1, 1985, report together with an implementation plan which considers each of those alternatives, and to report to the Legislature thereon on or before August 15, 1986.

The bill would appropriate $300,000 to the department for these purposes.

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Ch 1047 (AB 2285) Moore. Warranties motor vehicles extended warranties and service contracts

Existing law regulates consumer warranties, as specified

This bill would require service contracts sold in lieu of, or in addition to, express warranties to disclose exclusions, as well as terms and conditions The term "service contract" would be revised so as not to apply to a policy of automobile insurance, as defined

The bill would also prohibit the offering or sale of service contracts covering motor vehicles purchased for use in the state unless the contract contains specified disclosures and is available for inspection prior to the purchase, and unless either the contract or a brochure containing specified information regarding the contract is delivered to the buyer at or before the time of purchase The bill would also require the contract itself to be delivered to the buyer within 60 days after the time of purchase and the contract to be cancelable by the purchaser under specified conditions and would provide for a refund to the purchaser.

Ch 1048 (AB 471) Davis Santa Monica Mountains Conservancy

(1) Existing law authorizes the Santa Monica Mountains Conservancy to acquire real property by use of the power of eminent domain by the State Public Works Board

This bill would require the executive director of the conservancy to give notice of any proposed acquisition of real property or any interest in real property to the city council of the city, or the board of supervisors of the county if the property is in an unincorporated area, in which the property is located at least 45 days prior to the conservancy requesting any eminent domain action by the board The bill would require the conservancy to hold a noticed public hearing on the objections to the use of eminent domain if the city council or board of supervisors disapproves the proposed action

(2) Under existing law, with a specified exception, the conservancy has the right of first refusal on any property within the Santa Monica Mountains Zone owned by a public agency and scheduled for disposal as excess lands

This bill would require the conservancy, upon the request of a city or county, to waive that right of first refusal if the conservancy makes specified findings

(3) Under existing law, the Santa Monica Mountains Conservancy Act is to be repealed on July 1, 1986

This bill would extend the repeal date of the act to July 1, 1990

(4) The bill would authorize the Assembly Committee on Natural Resources and the Senate Committee on Natural Resources to hold joint hearings during the first year of the 1987–88 Regular Session of the Legislature with respect to the Santa Monica Mountains Conservancy and would authorize the committees to report their findings and recommendations to the Legislature

(5) The bill would add an item to the Budget Act of 1985 that would appropriate $3,000,000 from the Special Account for Capital Outlay to the conservancy for the Lower Zuma Canyon acquisition and for appraisals and project planning and design

Ch 1049 (AB 1955) Molina State park system El Pueblo de Los Angeles State Historic Park concession contracts

(1) Existing law requires the Department of Parks and Recreation, 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 September 19, 1983, except that any contract extended is required to be renegotiated, if necessary, to ensure that the rental rates on January 1, 1984, reflect current commercial rental market rates.

This bill would require the department to extend the terms of certain concession contracts or approvals until January 1, 1987, at the request of the concessionaire, and authorize the department to extend those contracts for an additional term up to January 1, 1988 The bill would require periodic renegotiation to ensure that the rental rates reflect current commercial rental market rates

The bill would also require the parties to the joint powers agreement regarding that park to jointly develop a procedure and enter into an agreement for the awarding of concessions, as specified, thus imposing a state-mandated local program The bill would provide that any concession contract extended or renegotiated as provided above may be superseded by the implementation of the agreement

The bill would make legislative findings and declarations with respect to the above

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(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

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

Ch 1050 (AB 778) Cortese. Workers' compensation. payment of benefits

Existing law provides that whenever any 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 temporary disability payments for the period of the disability, but not exceeding one year The Workers' Compensation Appeals Board is required to determine in any disputed case the period of the disability and the amount of benefits to which the employee is entitled.

Existing law also provides that no award of workers' compensation shall be rescinded, altered, or amended after 5 years from the date of injury.

This bill would require that the appeals board have jurisdiction to award and enforce the public safety officer benefits described above

Ch 1051 (AB 1246) Chacon Schools certificates of language development specialist competence

(1) Existing law requires the Commission on Teacher Credentialing to grant a certificate of competence as a language development specialist to any teacher in kindergarten to grade 12, inclusive, who meets prescribed standards of competency including, among other things, a minimum of one year of formal college level coursework in a foreign language, or its equivalent

This bill would make various technical, nonsubstantive amendments

(2) Existing law provides that teachers who meet prescribed qualifications may be authorized by their employing school district to serve as language development specialists pending the initial administration of the state examination for a language development specialist certificate, and authorizes these teachers to continue to serve as language development specialists for the remainder of the school year if they take the state examination for a language development specialist certificate upon its initial administration

This bill would authorize these teachers to continue to serve as temporary language development specialists until July 1, 1987, the scheduled sunset date for bilingual education programs prescribed by specified provisions of current law, or any earlier date prescribed for the sunset of those programs, if they take the state examination for a language development specialist certificate during its initial year of administration.

This bill would authorize teachers providing instruction in secondary level language development programs, as defined, who were authorized to serve as provisional language development specialists and who passed the culture and methodology components for the bilingual-crosscultural certificate of competence prior to January 1, 1985, to continue to provide instruction in those programs as long as they are employed by the same school district for which they were originally designated as a provisional language development specialist.

(3) Existing law requires the Commission on Teacher Credentialing to develop a uniform state examination, with appropriate variations, which provides a method by which persons holding a valid California teaching credential may demonstrate their competence as language development specialists, as prescribed. Existing law requires the state examination to include, among other things, a written examination and an oral interview.

This bill would require the written examination to include both essay and objective questions and would delete the requirement that the state examination include an oral

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interview.

(4) Existing law requires the Commission on Teacher Credentialing, on or before June 1, 1985, to develop a plan demonstrating how existing teacher training, bilingual-crosscultural teacher training, and English as a second language training programs may encourage teacher candidates to provide instruction in an impacted language program.

This bill would delete that requirement.

(5) Existing law authorizes teachers who have not been certified as bilingual-crosscultural teachers, but who are enrolled and participating in a program leading to a bilingual specialist credential or a certificate of competence for bilingual-crosscultural education to provide instruction in bilingual education programs under a waiver Other provisions of current law authorize teachers under waiver as of July 1, 1984, or whose waiver has expired between specified dates, to receive a one-year extension of the waiver, renewable for one year, beyond their 4th year on waiver, in which to meet the required competencies for these certificates, and provide for an extension of waivers for teachers teaching in languages for which no preparation examination is available, as prescribed.

This bill would authorize a teacher under waiver pursuant to these provisions who has exhausted his or her eligibility to receive, extend, or renew a waiver under one of those sections as of July 1, 1985, and who has not acquired a bilingual-crosscultural certificate of competence, but otherwise has met the coursework requirements of those sections, may continue to teach in bilingual classrooms until July 1, 1987, the scheduled sunset date for bilingual education programs prescribed by specified provisions of current law, or until any earlier prescribed date for the sunset of these programs. The bill also would provide that an extension of waivers shall be granted until July 1, 1987, or until any prescribed earlier date for the sunset of bilingual education programs, for teachers teaching in languages for which there is no preparation or examination available for obtaining a certificate of bilingual-crosscultural competence, with specified exceptions.

Ch. 1052 (SB 374) Carpenter. California State Lottery Education Fund.

Existing law provides that certain public educational entities shall receive allocations from the California State Lottery Education Fund, as specified.

This bill would authorize any such entity to use those allocations at its discretion, in conformity with specified provisions of existing law

This bill would declare legislative intent that no additional funds be provided to offset any decline in lottery revenues.

Ch. 1053 (SB 16) Carpenter. Public records: school district reorganization petitions.

The California Public Records Act, among other things, provides that specified initiative, referendum, and recall petitions, and petitions for a special election to fill a vacancy on the governing board of a school district or community college district are not public records open to inspection by the general public. It provides for access to these petitions, upon approval of the appropriate superior court, by the Attorney General, the Secretary of State, and Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney, as well as the proponents of the petitions, as defined, under certain conditions.

This bill would include petitions for the reorganization of school districts and community colleges by the electorate in the list of petitions not accessible by the general public. This bill also would include in the definition of proponents of a petition the person or persons designated as the chief petitioners under specified provisions of current law.

Ch. 1054 (SB 245) Ayala. California water districts: hydroelectric power

Under existing law, certain districts organized under the California Water District Law are authorized to construct, maintain, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof, in a manner consistent with the district's storage, transmission, and distribution of irrigation water.

This bill would extend this authority to all California water districts and would delete related provisions applicable to specified districts, including the restriction that the authority may be exercised jointly only with districts distributing irrigation water The bill would specify related restrictions

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The bill would become operative only if AB 951 is enacted and takes effect.

Ch. 1055 (AB 1588) Klehs Registered nursing.

(1) Existing law provides that 4 members of the 9 member Board of Registered Nursing shall constitute a quorum for the transaction of business at any meeting

This bill would increase that requirement to 5 members.

(2) Existing law requires the Board of Registered Nursing to determine the required subjects of instruction to be completed in a school of nursing for licensure as a registered nurse

This bill would require the board's standards to be designed to encourage all schools to provide clinical instruction in all phases of the educational process.

(3) Existing law generally requires the board to deny approval to any school of nursing which does not offer all of the courses required by the board for licensure as a registered nurse within a specified time.

This bill would repeal that provision on January 1, 1987.

Ch. 1056 (SB 1028) Rosenthal. Passenger stage corporations: liability protection.

Under existing law, the Public Utilities Commission, in issuing a certificate of public convenience and necessity to a passenger stage corporation, requires the corporation to procure and maintain protection against liability for personal bodily injuries and property damage in amounts not less than those required of carriers operating pursuant to federal law

This bill would prohibit the commission from requiring liability protection of more than $750,000 on account of bodily injury to, or death of, 2 or more persons in one accident for vehicles of a passenger stage corporation designed to carry not more than 8 persons, including the driver

The bill would take effect immediately as an urgency statute.

Ch. 1057 (SB 1204) Ellis. Financial institutions: release of demand deposit funds

Existing state law does not specifically prohibit banks, savings associations, credit unions, and other financial institutions from releasing demand deposit funds of an account holder to another person or entity.

This bill would, pursuant to the implied contract between the financial institution and its depositors, prohibit the release of funds unless the release is made pursuant to the depositor's authorization or in accordance with the law. The bill would also state legislative intent

Ch 1058 (SB 1149) Carpenter. Refugee: English as a second language.

Existing law provides for various refugee programs which assist public assistance recipients, including recipients of aid under the Aid to Families with Dependent Children program

This bill would provide that the State Department of Social Services shall require English as a second language programs seeking funding derived from the federal Office of Refugee Assistance to meet specified conditions as a condition of receiving federal funds allocated by the department.

The bill would specify that these conditions include making the goal of the program that of obtaining survival English skills, keeping specified data on refugees enrolled in these programs, and providing pre-enrollment and post program completion testing of refugees.

The bill would also require that the department ensure that an English as a second language program which is designed with specific job placements for the clients as an end product receive priority consideration for funding in the competitive bid process.

Ch. 1059 (SB 1108) Presley Diversion: bad checks

Existing law makes it a crime to willfully write a check for which there are not sufficient funds on deposit with the intent to defraud. Existing law also provides various diversion programs for people who commit specific crimes, to be offered in lieu of prosecution.

This bill would authorize a diversion program for people who write bad checks, to be offered in lieu of prosecution, as specified, on a county-option basis, except that prior to January 1, 1987, the program would only be available to certain counties on a pilot

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project basis

Ch. 1060 (SB 1248) Montoya. Payroll procedures: judges.

Under existing law, the board of supervisors of any county may, by resolution, agree to participate in a state-prescribed payroll procedure to pay superior court judges solely from a state payroll.

This bill would authorize the Controller to participate in a county payroll procedure to pay superior court judges solely from a county payroll. The procedure would be prescribed by the county auditor and approved by the county board of supervisors. The procedure would be required to include provisions for payment in advance to each participating county by the state of its share of the applicable judges' salaries, and could include provision for payroll deductions authorized under applicable state laws.

The bill would take effect immediately as an urgency statute.

Ch 1061 (AB 2300) Wright. Child support.

Existing law provides a procedure for the assignment of the wages of a person ordered to pay child support Such an order is required to be made in any case where support is ordered to be paid through any of specified court or county officers, or where the district attorney so requests

This bill would provide that in the cases in which such an order is required, and an arrearage is alleged, the party ordered to pay support may move to quash the order for wage assignment, as specified The bill would specify the meaning of the term "wage assignment," as used in that provision. It would provide that an employer who refuses to hire a person or who discharges or takes disciplinary action against an employee because of such an assignment, may be assessed a civil penalty It also would provide that an employer who fails to withhold and forward support pursuant to a court order is liable for the amount not withheld, forwarded, or otherwise paid, and would specify that such a willful failure is a contempt

The bill would also specify that enforcement of the obligation of support for the purposes of the provisions relating to the enforcement of child and spousal support obligations by the district attorney includes the use of interception and notification systems operated by the State Department of Social Services.

The bill also would make a technical change

This bill would also incorporate additional changes in Section 4701 of the Civil Code, proposed by AB 250 and AB 350, and in Section 11475.1 of the Welfare and Institutions Code, as proposed by AB 350 and AB 2305; contingent upon the enactment of those other bills.

The bill would take effect immediately as an urgency statute.

Ch. 1062 (AB 2217) Peace. Oral copulation: imprisonment.

Existing law makes it either a misdemeanor or a felony for any person to commit 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.

This bill would make the above-described crime a felony, punishable by imprisonment in the state prison for 3, 6, or 8 years and would revise the category of victims to include instead those incapable of giving legal consent because of mental disorder or developmental or physical disability. However, if both the victim and the defendant are at the time of the commission of the offense confined to a facility for the mentally disordered, it would remain either a misdemeanor or a felony to commit an act of oral copulation, as described above

Ch 1063 (AB 2218) Peace Sex crimes punishment

Existing law makes it either a misdemeanor or felony for any person to commit an act of sodomy upon a victim who 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.

This bill would make the above act of sodomy a felony, punishable by imprisonment in the state prison for 3, 6, or 8 years and would revise the category of victims to include instead those incapable of giving legal consent because of mental disorder or develop-

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mental or physical disability However, if both the victim and the defendant are at the time confined to a facility for the mentally disordered, as specified, the above act of sodomy would remain either a misdemeanor or a felony.

Ch 1064 (SB 84) Torres Day care centers

(1) Under the existing Community Care Facilities Act, the provisions do not apply to certain cooperative arrangements between parents for the care of children or certain public recreation programs

This bill would delete those exceptions and make changes in licensing requirements.

(2) Under the existing Child Day Care Act, provision is made for licensing and supervising child day care facilities.

This bill would expand the coverage of the act and create the same exceptions as were deleted from the Community Care Facilities Act. The bill would also make various procedural changes in the criminal checks on personnel of the facilities and in dealing with complaints against the facilities. Some of these changes would impose new duties on local government, which are state-mandated local programs.

The bill would specify certain conditions regarding unannounced visits to family day care homes and would also create new misdemeanors which are also state-mandated local programs

(3) Existing law requires any person desiring issuance or renewal of a license for a community care facility or a special permit for certain specialized services to file certain information with the State Department of Social Services.

This bill would, additionally, require each applicant to sign a statement that he or she has read and understood the community care facility licensure statutes and regulations which pertain to the applicant's category of licensure To the extent this requirement would apply to applicants of publicly operated community care facilities, it would impose a state-mandated local program.

(4) Under the existing laws relating to family day care homes, provision is made for licensing and supervising these facilities

This bill would repeal various requirements relating to criminal checks and with respect to pilot projects on registering these homes and would specify certain conditions regarding unannounced visits

(5) Under existing laws, 2 statutes in almost identical language authorize the State Department of Social Services to issue a license or special permit to a day care center for children for a period not to exceed 3 years in certain circumstances.

This bill would repeal one of those statutes

(6) This bill would propose additional changes to Section 1596.853 of the Health and Safety Code to be operative if AB 2337 is chaptered on or before January 1, 1986, and this bill is chaptered later.

This bill would propose additional changes to Section 1596.871 of the Health and Safety Code to be operative if SB 339 is chaptered on or before January 1, 1986, and this bill is chaptered later

This bill would propose additional changes to Section 1597 54 of the Health and Safety Code to be operative if AB 929 is chaptered on or before January 1, 1986, and this bill is chaptered later

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 1065 (AB 1778) Areias California Uniform Retail Food Facilities Law.

Under the existing California Uniform Retail Food Facilities Law, food facilities are subject to permit, sanitation, and other requirements

This bill would provide that premises set aside for winetasting, if no food or beverage is offered for sale for onsite consumption, are not included within the definition of "food

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facilities" for purposes of that law, which would have the effect of excluding those premises from the operation thereof.

Ch. 1066 (SB 498) Russell Minors

Existing law provides that any person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, or prints, with intent to distribute or to exhibit to others, or who offers to distribute, distributes, or exhibits, to others, any obscene matter is guilty of a misdemeanor.

Existing law also provides that any person with knowledge or who reasonably knows that a person is a minor, who hires that person to do or assist in any of specified acts involving obscene matter is guilty of a misdemeanor.

Existing law provides that, except where a different punishment is prescribed by law, the penalty for a misdemeanor is imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $1,000, or by both

This bill would change the penalty for the above acts involving minors and obscene matter, thereby imposing a state-mandated local program, by providing that on the 1st offense the person is guilty of a misdemeanor and for the 2nd and subsequent offenses, the court may, in addition to specified felony punishment for multiple convictions of these obscene matter statutes, impose a fine not exceeding $50,000.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

This bill would incorporate additional changes in Section 311.2 of the Penal Code, proposed by SB 292, to be operative only if SB 292 and this bill are both chaptered and become effective January 1, 1986, and this bill is chaptered last

Ch. 1067 (AB 529) Elder. Public employee benefits

Existing provisions of the Legislators' Retirement Law authorize the granting of service credit in the Legislator's Retirement System (LRS), as "military service," for time during which any LRS member or former LRS member who retired on or after December 31, 1981, with 10 years of service in the system on or before December 31, 1984, served continuously and for not less than one year in the armed forces or Merchant Marines, as specified, of the United States prior to first assuming a state office for which membership in the LRS was elective, on the basis of one year of credit for each 5 years of service in the LRS, not to exceed a total of 4 years' credit, provided, that the member or retired person pays specified contributions, has not received credit for that service pursuant to any other provision of law, makes the election, and makes the election while in service to receive this service credit before January 1, 1986.

This bill would eliminate the requirements that the specified armed forces service be continuous and that the election be made while in service. It would set the retirement date at December 1, 1980, instead of December 31, 1981, would extend eligibility to those who have 10 years of credited service on or before December 31, 1985, instead of 1984, and would require the election to be made before July 1, 1986, instead of January 1, 1986.

An existing provision of the Public Employees' Retirement Law which applies to all employers, including school employers and contracting agencies, provides for service credit for members absent from state service while serving in the armed forces or the Merchant Marine, or on ships operated by or for the federal government either during a war, as specified, or a national emergency, or in time of peace if drafted, and during any period of rehabilitation, as specified

This bill would make that provision inapplicable to persons absent from state service by reason of service after January 1, 1950, with the Merchant Marine of the United States, or on ships operated by or for the federal government, or with the Federal Bureau of Investigation who have not received credit for that service prior to the effective date of this bill.

Existing provisions of the Public Employees' Retirement Law require that local safety members be retired on the first day of the calendar month after he or she attains the age of 60 to 65, as specified.

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This bill would repeal these and related provisions It would provide instead that notwithstanding other provisions of law, a local contracting agency may amend its contract to fix a mandatory retirement age for local safety members attaining the age of 60 under specified circumstances.

Existing law requires the Board of Administration of the Public Employees' Retirement System to administer the Public Employees' Medical and Hospital Care Act This bill would redefine various terms, as specified, applicable to the Public Employees' Medical and Hospital Care Act, revise the powers of the board to enter into contracts for health benefits plans, as specified, and would authorize a contracting agency, except as specified, to elect by resolution filed with the board to be subject to the act

Existing law permits a school district, county board of education, personnel commission of a school district, or a county superintendent of schools to elect to be subject to the Public Employees' Medical and Hospital Care Act for its employees and annuitants, provided that employer contributions for annuitants at all times equal employer contributions paid for active employees, among other things.

This bill would provide that any such educational entity making such an election on or after January 1, 1986, shall establish, by resolution, the employer contribution for employees and the employer contribution for annuitants, but the initial payment ratio of annuitant payments to employee payments would be required to remain at least equal to the corresponding ratio of amounts paid at the time of the election It would also require annual increases in the monthly employer contribution for annuitants of not less than 5% of the monthly employee contribution for employees, until such time as its contribution for annuitants equals its employer contribution for its employees

This bill would take effect immediately as an urgency statute

Ch 1068 (AB 366) Vicencia Children: child abuse

Under existing law, each county provides various types of child welfare services, including family reunification services. Family reunification services are provided in order to attempt to reunify children with their families when children have been placed in foster care

This bill would specifically provide that family reunification services shall not be provided unless a child has been placed in foster care, and, in accordance with this provision, that these services shall not be ordered as part of a custody or visitation rights proceeding

Existing law requires certain persons to report known or suspected instances of child abuse. Failure to make a required report is a misdemeanor The definition of child abuse includes the sexual abuse of a child The definition of sexual abuse, in turn, includes various acts of sexual exploitation, as defined, including prostitution and posing or modeling for the purposes of preparing a film, photograph, negative, slide, or live performance involving obscene sexual conduct for commercial purposes

This bill would recast and expand the definition of sexual exploitation by specifying the inclusion of posing or modeling for the purpose of preparing a drawing, painting, or other pictorial depiction of obscene sexual conduct and by deleting the requirement that the depiction of conduct be for commercial purposes. It would also expand a class of persons to whom the prohibition is applicable from any parent or guardian of a child under his or her control to any person responsible for a child's welfare, as defined Inasmuch as it would expand the scope of a crime, it would impose a state-mandated local program

Under existing law, operative until January 1, 1988, the Office of Child Abuse Prevention is required to contract for the operation of 6 pilot projects for the development of programs designed to avoid the out-of-home placement of abused or neglected children, as specified

This bill would extend the operative date of these provisions to January 1, 1989, and, among other things, require the office to contract for 2 additional pilot projects and revise the required content of the programs developed by the pilot projects and the criteria for selection of the agencies to be funded

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified

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reason

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

Ch. 1069 (AB 350) M Waters Support

Existing law authorizes a court to enter an order for child support during the pendency of specified proceedings.

This bill would authorize the court to make that order without a hearing upon the filing of an application for an expedited support order stating minimum obligations imposed by statute. That order would be effective 30 days after service on the obligated parent. The obligated party could obtain a hearing, as specified. The bill would impose a state-mandated local program by requiring the clerk of the court to perform new duties in connection with that answer and hearing.

Under existing law, in a proceeding where the court has ordered child support or spousal support, it may, and in certain instances is required to, order the parent required to pay support to assign that portion of salary or wages sufficient to pay that amount.

This bill would require those orders for wage assignment to include a requirement that the parent ordered to pay support notify the other party or person designated to receive payment of any change of employment and of the name and address of his or her new employer.

Under existing law, the district attorney has responsibility for enforcing child support obligations and determining paternity

This bill would provide that in any action for child support under those provisions, the district attorney may make a motion for an order effective during the action. It would require the motion to be made within certain time limits, as specified.

Existing law requires the district attorney to take appropriate action to enforce certain obligations of child and spousal support when the child is receiving public assistance, and when requested to do so by the individual on whose behalf the enforcement efforts will be made when the child is not receiving public assistance

This bill would authorize the district attorney to maintain an action to recover an arrearage in support payments at any time within the period otherwise specified for the enforcement of a support judgment notwithstanding the fact that the child has attained the age of majority, as specified.

The bill would incorporate additional amendments proposed by AB 250 and AB 2300 contingent upon the prior enactment of either or both of those bills.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1070 (AB 702) Tucker Physicians and surgeons

Existing law authorizes the Division of Medical Quality of the Board of Medical Quality Assurance or the panel of a medical quality review committee to issue an order compelling a physician to undergo a professional competency examination when they find there is reasonable cause to believe that the physician is unable to practice medicine with reasonable skill and safety to patients The matter is required to be presented to the division by the executive director of the board by means of a written petition detailing the reasonable cause

This bill would, (1) require the petition to contain all conclusions and facts upon which the presumption of reasonable cause is based, (2) authorize the division or panel to hold a hearing to determine if reasonable cause exists to compel the physician to take the examination, (3) require the examination to measure the physician's professional competency as measured by community standards, which the bill would define, and (4) prohibit the division from filing further accusations if the physician passes the examination.

Ch 1071 (AB 740) Wyman Driving offenses.

Existing law authorizes the Department of Motor Vehicles to suspend or revoke a person's driving privilege if it determines that the safety of the person or other persons upon the highways requires the action.

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This bill would additionally require the suspension of the driving privilege of a person previously convicted of vehicular manslaughter involving alcohol for 3 years if the department believes the person was involved in an accident under specified conditions. The bill would also provide for a hearing after the notice of suspension

Ch. 1072 (AB 2514) N Waters. Child abuse

Existing law provides for funding of primary prevention programs by the State Department of Social Services. A primary prevention program is defined as a training and educational program for children which is directed toward, among other things, preventing the occurrence of child abuse including physical abuse, sexual assault, and child neglect.

This bill would change the reference to sexual assault to sexual abuse and would also provide that a primary prevention program is a program directed towards preventing the occurrence of child abduction

Ch. 1073 (SB 223) Seymour. Public contracts.

This bill would make a legislative declaration about the purpose of the act and would set forth a general requirement in the Public Contract Code stating that any public entity, as defined, the University of California, and the California State University shall specify the classification of contractor's license which a prime contractor must have at the time a contract is awarded. The specification would be included in plans prepared for a public project and in any notice inviting bids required pursuant to the code.

In addition, the bill would provide that a contractor who is not awarded a public contract because of the failure of an entity, as defined, to comply with the above provision shall not receive damages for the loss of the contract.

Ch. 1074 (SB 554) Maddy Cardiac services· pilot project

(1) Under existing law, a general acute care hospital, as defined, may be approved in a specified manner to offer special services, including that of a cardiac catheterization laboratory, as defined

This bill would establish a health care pilot project, administered by the Office of Statewide Health Planning and Development, to test the safety and cost effectiveness of performing cardiac catheterization in freestanding cardiac catheterization laboratories, as defined It would permit the office to approve up to 5 freestanding cardiac catheterization laboratories, as defined, under the pilot program It would establish standards for the laboratories, as specified It would authorize the office to suspend or withdraw approval of pilot projects utilizing a specified procedure. It would require the office to appoint a technical advisory committee to advise the office Members of this committee would be entitled to reimbursement for any actual and necessary expenses. It would require the office to submit a specified report to the Legislature on or before July 1, 1988

It would permit the office to charge participants in the pilot program a reasonable fee, as specified.

It would repeal the pilot project on January 1, 1989. It would require the regulations adopted by the office to implement the program to be emergency regulations, as specified

(2) Existing law prohibits cardiac catheterizations to be performed outside of a general acute care hospital or certain multispecialty clinics

This bill would except the pilot project established by its provisions from this prohibition.

It would redefine the terms cardiac surgery service and pediatric cardiac surgery service, as specified

This bill incorporates changes in Sections 1255 and 1255 5 of the Health and Safety Code made by SB 410 if that bill is enacted

Ch 1075 (AB 1086) Tucker Cardiac services· pilot project

(1) Under existing law, a general acute care hospital, as defined, may be approved in a specified manner to offer special services, including that of a cardiac catheterization laboratory, as defined

This bill would establish a health care pilot project administered by the Office of

NOTE: Superior numbers appear as a separate section at the end of the digests

Statewide Health Planning and Development, to test the safety and cost effectiveness of performing cardiac catheterization in freestanding cardiac catheterization laboratories, as defined It would permit the office to approve up to 5 freestanding cardiac catheterization laboratories, as defined, under the pilot program It would establish standards for the laboratories, as specified It would authorize the office to suspend or withdraw approval of pilot projects utilizing a specified procedure It would require the office to appoint a technical advisory committee to advise the office Members of this committee would be entitled to reimbursement for any actual and necessary expenses It would require the office to submit a specified report to the Legislature on or before July 1, 1988.

It would permit the office to charge participants in the pilot program a reasonable fee, as specified

It would repeal the pilot project on January 1, 1989 It would require the regulations adopted by the office to implement the program to be emergency regulations, as specified

(2) Existing law prohibits cardiac catheterizations to be performed outside of a general acute care hospital or certain multispecialty clinics.

This bill would except the pilot project established by its provisions from this prohibition.

It would redefine the terms cardiac surgery service and pediatric cardiac surgery service, as specified

This bill incorporates changes in Sections 1255 and 1255.5 of the Health and Safety Code made by SB 410 if that bill is enacted

The bill would not become operative if SB 554 of the 1985–86 Regular Session is chaptered

Ch 1076 (SB 410) Maddy Cardiac catheterization.

Existing law requires the State Department of Health Services to adopt standards and regulations for cardiac catheterization services, as defined Under existing law, no cardiac catheterizations are to be performed outside of a general acute care hospital or a multispecialty clinic, as defined

This bill would include, an entity, in which a multispecialty clinic holds at least a 50%-general partner interest and maintains responsibility for the management of the cardiac catheterization laboratory service, within the definition of multispecialty clinic as used in the provisions described above if specified requirements are met It would also make a technical nonsubstantive change

This bill incorporates changes in Section 1255 5 of the Health and Safety Code made by SB 554 and AB 1086 if either of those bills are enacted

Ch 1077 (SB 1044) Torres. Psychotherapist-patient privilege

Existing law provides that the confidential communications between patients and psychotherapists, as defined, are privileged, except that in criminal proceedings this privilege applies only to communications with psychotherapists licensed to practice medicine, who devote a substantial portion of their time to the practice of psychiatry, or with licensed psychologists

This bill would repeal the limitation on the psychotherapist-patient privilege in criminal proceedings and thus extend the psychotherapist-patient privilege, in criminal proceedings, to communications with clinical social workers, school psychologists, and marriage, family, and child counselors

The California Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings shall be enacted by a ⅔ vote of the membership of each house of the Legislature

Ch. 1078 (SB 1262) Seymour Schools. apportionments.

Existing law prohibits school districts, except newly formed districts, from receiving any apportionment from the State School Fund, unless it has maintained the regular day schools of the district for at least 175 days during the preceding fiscal year.

Existing law exempts districts from the 175-day school year requirement if the district has been prevented from maintaining its schools due to prescribed emergency or extraordinary conditions

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This bill would specify that this exemption shall also apply to school districts that, in the absence of one or more of these prescribed emergency or extraordinary conditions, would have qualified for funding provided under specified provisions of existing law authorizing districts to receive additional apportionments for maintaining an instructional year of 180 or more days, as prescribed.

Ch. 1079 (SB 1433) Rosenthal. Telephone service: study.

Under existing law, the Public Utilities Commission regulates the furnishing of telephone services within the 11 service areas in the state created as a result of the federally directed divestiture of American Telephone and Telegraph Corporation

This bill would direct the commission to conduct a study of the feasibility of creating a working informational model of partial deregulation or open competition in the furnishing of telephone services within one of these service areas or other workable area or one or more telephone services, or both, as determined by the commission, in a manner that will enable the commission to monitor the effects of partial deregulation or open competition on telephone services, telephone corporations, and subscribers. The bill would require the study to include, but not be limited to, the commission's basis for selection of the telephone service or services or area of study, the staff and other support requirements needed to implement the working informational model, a comparative analysis of the effects of partial deregulation or open competition on service within and outside the area and the advantages and disadvantages of partial deregulation or open competition, and an analysis of the experience of other states in this regard. The bill would authorize the commission to employ staff and consultant services for these purposes The bill would direct the commission to report its findings and recommendations to the Legislature on or before January 1, 1987.

The bill would require the commission to carry out the study to the extent that funds are made available for this purpose

The bill would appropriate $184,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account in the General Fund for this study

Ch. 1080 (SB 1266) Morgan. Public health· county pilot project

(1) Under existing law, the State Department of Health Services administers various programs for child health and disability prevention, dental disease prevention, immunization assistance, maternal and child health, and preventative health care for the aging. Under existing law, counties are reimbursed for services under these programs in varying ways

This bill would require the State Department of Health Services to administer a pilot project by negotiating prescribed net amount contracts with Alameda County if the county requests and the department selects the county to participate in the program, to provide the services described above The bill would require the governing body of the county to submit to the state department a report of a public hearing on the services to be provided by contract, as specified. The first contract would commence on, or retroactively to, July 1, 1986 The pilot project program would be repealed June 30, 1988.

(2) This bill would allow the county participating in the above-described pilot project to be reimbursed for all services delivered under the Medical Assistance Program, as defined, at a negotiated fixed rate, as specified It would authorize the California Medical Assistance Commission to negotiate the rate

(3) Existing law authorizes the State Director of Health Services to negotiate net amount contracts with counties for mental health services, in lieu of a county's utilization of a Short-Doyle mental health plan and budget The authority to enter into these contracts remains in effect only until July 1, 1987.

This bill would instead provide for the extension of the authority to enter into these net amount contracts for mental health services until July 1, 1989

(4) The bill would provide for the repeal of the pilot project provisions for county health services set forth in this bill on June 30, 1988.

Existing law provides for a pilot program in Alameda County whereby utilization controls shall not be required for services under the Medi-Cal program when a county hospital based utilization review committee has been established to determine the level of authorization for payment and an approved utilization plan has been filed with the department

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This bill would make this program permanent

Ch. 1081 (SB 786) Seymour. Community mental health funding

Under existing law, the purposes of the Short-Doyle Act, relating to the organization and financing of community mental health services for the mentally disordered, include providing a means of allocating state mental health funds according to community needs.

This bill would revise that purpose to providing a means of allocating state mental health funds equitably among counties according to community needs and would provide that available funding for local programs, beyond the current base plus any cost-of-living adjustment shall be allocated to counties based upon relative need as defined. The bill would require the State Department of Mental Health to submit to the Legislature by January 1, 1987, specified data for determination of the counties' needs. The bill would repeal these provisions on January 1, 1989, unless a later enacted statute deletes or extends that date.

Ch. 1082 (AB 398) Kelley Sales and use taxes: gold medallions.

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 also exempt from the sales and use taxes the gross receipts from the sales of commemorative "California Gold" medallions produced and sold in accordance with specified statutes. This exemption would remain in effect only until January 1, 1988.

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. 1083 (AB 1443) Klehs Sales and Use Tax: producers of hay.

The existing California Sales and Use Tax Law exempts occasional sales, as defined, from the taxes imposed by that law

This bill would include within the definition of occasional sale certain sales of property by producers of hay, and would thereby exempt these sales from sales and use taxes

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 1084 (SB 1352) L Greene. Mobilehome parks: rent control

Existing state law does not preclude governmental regulation of rents, fees, and charges in mobilehome parks, although existing provisions of the Mobilehome Residency Law contain limitations on fees and charges

This bill would provide that specified mobilehome-park site rental agreements in excess of 12 months' duration and extensions thereof prevail over conflicting provisions in any ordinance, rule, regulation, or initiative measure adopted by a local governmental entity and limiting or restricting rent. The bill would, however, not supersede other provisions of state law

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The bill would specify that, upon expiration of a rental agreement or extension thereof subject to the bill, the last rental rate charged under the previous rental agreement shall be the base rent for purposes of applicable provisions of law concerning rent regulation. The bill also would require rental agreements entered into pursuant to the bill to contain a specified notice that the agreement would be exempt from local rent regulation

Ch 1085 (AB 2121) Eaves. Crimes: penalties

Existing law prescribes increased punishment for an act of sodomy or oral copulation against a person who is under 14 years of age and more than 10 years younger than the perpetrator, or when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person

This bill would apply the increased punishment where the act is accomplished against the victim's will 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.

This bill incorporates changes in Sections 286 and 288a of the Penal Code as proposed, as the case may be, by SB 889, AB 2217, and AB 2218.

Ch. 1086 (SB 241) Boatwright. Crimes.

Existing law specifies the punishment to be imposed for felony crimes, including provisions for a 5-year enhancement when a serious felony was committed and a serious felony was previously committed.

This bill would impose a 2-year enhancement, in addition to the 5-year enhancement for a person who commits specified crimes and who has a prior conviction of any of those crimes, against a person who is 65 years of age or older, a disabled person, as defined, whose disability is known or reasonably should be known to the offender, or against a person who is under 14 years of age

Ch 1087 (SB 132) Presley. Public property

(1) Existing law requires the State Public Works Board to notify specified Members of the Legislature if purchase negotiations for real property for the state park system are not concluded as specified within 6 months of the initiation of the negotiations. It further requires notice to specified interested parties 6 months from the date of this notice to the Legislature.

This bill would delete the notification of the chair of the committee of each house which considers park and recreation policy of those negotiations.

(2) Existing law requires the proceeds of any sale of real property originally acquired for state park purposes to be deposited in the General Fund if the fund which was the original source for state acquisition of the property no longer exists.

This bill would require the net proceeds of these sales to be deposited in the State Parks and Recreation Fund for further extension, improvement, or development of the state park system, except if the property was originally acquired with General Fund moneys, in which case the net proceeds would be deposited in the General Fund The bill would also provide that the provisions specifying the disposition of proceeds of any state park system real property do not apply to the sale of any real property in the state vehicular recreation area and trail system.

(3) Under existing law, the Department of Parks and Recreation has management and control of the state park system and property acquired for the state park system is under the jurisdiction of the department.

This bill would specifically authorize the department to lease, for any use, property acquired for state park system purposes prior to its operation as a unit of the system open to the public, if the Director of Parks and Recreation makes specified written findings. The lease could not exceed 5 years, except as prescribed, and all leases would be subject to the approval of the Department of General Services.

(4) Existing law authorizes real property acquired for state park system purposes which had been used for agricultural purposes within 24 months of its acquisition to be made available for lease by the Department of General Services for those purposes, if the Director of Parks and Recreation makes specified findings.

This bill would instead authorize the Department of Parks and Recreation to lease that property for those purposes, and would make the leases subject to the approval of the Department of General Services.

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(5) The bill would authorize the Director of General Services, with the approval of specified state agencies, to sell, exchange, or lease specified parcels of state property and would delete the authority to sell, exchange, or lease specified parcels previously authorized. The bill would authorize the reimbursement of costs and expenses from the proceeds of the disposition and, thereby, would make an appropriation.

(6) The bill would also designate the funds into which the net proceeds of specified sales under the bill are to be deposited.

(7) Under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act, a grant of state funds was made by the Department of Parks and Recreation to the City of Riverside for the acquisition of real property known as Streeter Neighborhood Park Under that act, property acquired or developed with grant moneys may only be used for the purpose for which the grant moneys were requested, except by the specific act of the Legislature

This bill would authorize the City of Riverside to convert that property to a nonpark purpose if the city (a) acquires title, using nonstate funds, to not less than 5 acres as substitute parklands, (b) holds at least one public hearing on the subject of the replacement facilities, and (c) enters into a state grant project agreement with the department with respect to the replacement facilities.

This bill would provide that in carrying out the specified requirement to sell excess land at the Northern California Youth Center as surplus property, the land at the center that is excess to correctional needs and is to be sold as surplus property shall consist of not less than 301.1 acres of the specified land currently under the jurisdiction of the Department of the Youth Authority. The bill would also provide that notwithstanding other provisions of law, the excess land shall not be sold or otherwise tranferred to any state agency.

Ch 1088 (SB 220) Rosenthal Public Utilities Commission. operations

(1) Existing law subjects the activities of all public utilities, including electrical and gas corporations, to the jurisdiction and control of the Public Utilities Commission pursuant to the Public Utilities Act

Existing law directs the commission to require every electrical or gas corporation constructing or modifying its plant at a cost in excess of $100,000,000 to reimburse the commission for necessary consultant or advisory services with respect to certification of the plant or approval of any rate increase reflecting the costs of the plant and, in this connection, specifies that provisions of law relating to the employment of the Attorney General as legal counsel; the supervisory powers of the Department of Finance, the supervisory powers of the Department of General Services, including its approval of certain contracts for the hiring of services or the purchase of materials, supplies, or property; and the prohibition against specifications for bids which limit the bidding to one bidder, do not apply to the commission for these purposes.

This bill would delete from these provisions the exception of the laws relating to the supervisory powers of the Department of Finance and would provide that these provisions of law do not apply to the commission with respect to any of its activities under the Public Utilities Act.

The bill would also make other related and conforming changes in this regard

(2) Existing law specifies the fees to be charged by the commission for furnishing copies, including certified copies, of papers, records, and documents of the commission

This bill would delete these specified fees and require instead that the commission fix the charges for these services, which shall reflect the costs of furnishing the materials and providing the services as nearly as practicable.

Ch 1089 (SB 1234) Doolittle State property lease to the City of Folsom

Existing law authorizes the Director of General Services, with the consent of the state agency concerned, to let any state property for a period not to exceed 5 years, if the director deems the letting is in the best interest of the state

This bill would authorize the director, with the consent of the Department of Corrections, to lease to the City of Folsom a specified parcel of state property in the County of Sacramento for a period not to exceed 25 years for any municipal purpose.

The bill would take effect immediately as an urgency statute.

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Ch. 1090 (SB 1464) Doolittle. Vehicles licensed in foreign jurisdictions: nonresident commuters

Under existing law, a foreign vehicle is exempt from registration under prescribed conditions until the owner accepts gainful employment or establishes residency in this state Exemption is also provided for vehicles owned by military personnel or specified conditions

This bill would also exempt from registration those motor vehicles of specified types owned by nonresident daily commuters, as defined, under specified conditions The Department of Motor Vehicles would be required to provide such a commuter, who uses the vehicle to commute within a specified 35-mile corridor in this state, with vehicle identification indicia and an identification card, subject to specified requirements

The bill would also require the department to charge an applicant for an exemption, a service fee not to exceed $10 to cover administrative costs.

The department would be required to report to the Legislature not later than January 1, 1987, on whether the service fee charged is enough to fully cover administrative costs of the program.

The bill would take effect immediately as an urgency statute.

Ch 1091 (SB 508) Rosenthal Property taxes: state-assessed property penalties: State Board of Equalization

Existing law provides, with specified exceptions, that meetings of state agencies shall be open and public. Among those exceptions, it provides that those laws are not to be construed to prevent the State Board of Equalization from holding closed sessions when considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

This bill would additionally provide that those laws are not to be construed to prevent the State Board of Equalization from holding closed sessions for the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law

Under existing law, property statements for state-assessed property owned, claimed, used, controlled or managed by a person or legal entity must be furnished on request by the State Board of Equalization. It provides for a penalty for failure to timely file the property statement at specified varying amounts, not to exceed $5,000,000 of full value.

This bill would change that maximum penalty amount to $20,000,000 of full value

This bill would preclude the board from adding further penalties for any failure to comply with any subsequent request by the board seeking information or data if a claim for refund seeking recovery of the penalty has been filed by the state assessee within a specified time period and the state assessee thereafter institutes a court action within a specified time period It would also provide for the recovery of interest, as specified, by an assessee in any action in which recovery of a penalty assessed is allowed by the court

Under existing law, the board is permitted to disclose information, records, and appraisal data relating to state assessment of companies engaged in interstate commerce to tax officials of other states having duties corresponding to those of the board in circumstances in which there is a reciprocal exchange of information by the states in which the interstate companies operate This disclosure may be made only pursuant to a written agreement between the board and the other state agency involved and the written agreement is required to contain specified information.

This bill would require that the agreement also provide that any information furnished be disclosed only to those persons whose duties or responsibilities require access and require that necessary safeguards be implemented to protect the confidentiality of the information This bill would also require the board, upon receipt of a request for disclosure of confidential information from specified persons or entities, to notify the state assessee of the identity of the person or entity requesting confidential information and a description of the information sought. It would also require the board, upon sending this information, to provide the state assessee with notification of the information transmitted and the identity of the person or entity to whom the information was transmitted.

Under existing law, the State Board of Equalization is required to charge a transit district for the board's services in administering the transactions and use tax in an amount equal to a specified percentage of all district taxes collected by the board.

This bill would provide that, effective July 1, 1986, the board shall charge the Santa Clara Traffic Authority and the Santa Clara Transit District each ½ of the existing

amount.

Ch 1092 (SB 1324) Montoya. Boxing and wrestling.

Existing law provides for the regulation of boxing and wrestling and related contests and matches by the State Athletic Commission

This bill would delete, recast, and substantially revise those provisions by, among other things, (1) revising the definitions of "boxer," "wrestler," "contest," "match," and "manager," (2) providing for the licensing and regulation of martial arts fighters and contests, as defined, (3) requiring promoters and managers to disclose any person who has a proprietary interest in a promoter or manager, as specified, and requiring those persons to file specified financial statements with the commission, (4) authorizing the filing of a certificate of deposit in lieu of a bond for certain licensees, (5) authorizing the commission to establish weight spreads and classes of contestants, (6) authorizing the commission to exempt championship contests from any provision of law, as specified, (7) increasing the award which may be given to amateur contestants from $100 to $500 and deleting the prohibition of any other gift from being given to an amateur contestant, (8) requiring a physician to be in attendance at wrestling exhibitions, (9) requiring promoters to pay an admission tax rather than clubs and revising that tax, (10) revising provisions relating to closed-circuit telecasts and revising the tax those persons are required to pay, (11) authorizing the commission to revoke or suspend a license, without a hearing, for failing to pay any fine assessed by the commission, (12) revising the punishment and penalties for offenses against those provisions, (13) revising provisions relating to boxer benefits, and (14) making related and other technical changes

This bill would impose a state-mandated local program by adding new crimes and revising existing crimes

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1093 (SB 557) Watson Unemployment compensation disability benefits· payment of claims

Existing law requires the Employment Development Department to pay unemployment compensation disability benefits through public employment offices or other approved agencies

This bill would require the department to issue the initial payment for disability benefits to a monetarily eligible claimant who is otherwise determined eligible by the department within 14 days of receipt of a properly completed claim It would require the department to prepare and submit a report to the Legislature which includes a time-lag study on initial claim payments issued pursuant to the bill

Ch. 1094 (SB 802) Royce. Public social services.

(1) Existing law requires county welfare departments to submit monthly reports to various state agencies, relating to caseloads and expenditures, which requirement is now obsolete

This bill would repeal this provision and would provide that upon the request of the Joint Legislative Budget Committee, the Department of Finance shall make immediately available data on monthly caseloads and expenditures for public social services programs supervised by the State Department of Social Services.

(2) Existing law requires the State Department of Social Services to implement a statewide automated welfare system based upon state-mandated standards for specified public assistance programs

This bill would require the department to pay any increased administrative costs incurred by a county where the costs of implementing the system exceed the program and administrative savings realized by the county

Ch 1095 (AB 2248) Costa. Public social services

Under existing law, there are various social service programs, such as the Aid to Families with Dependent Children (AFDC) program, Medi-Cal, and the food stamp

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program, which are administered, either in whole or in part by the counties, and eligibility for which depends, in part, upon the applicant's income

This bill would require the State Department of Social Services, and the State Department of Health Services, in consultation with the Board of Supervisors of Fresno County, to create one form to be used for the reporting of income of recipients of the AFDC program, Medi-Cal, and the food stamp program, and to use the form on a pilot project basis, for a period of 2 years, in Fresno County, at the county's option, and in any other county which wishes to participate This bill would also require the State Department of Social Services and the State Department of Health Services to seek any federal waivers which may be necessary to operate the pilot program The bill would also require the State Department of Health Services to report to the Legislature on the effects of the bill on or before January 1, 1987

Ch. 1096 (AB 17) Wright Community care facilities

(1) Under existing law, various definitions are provided for purposes of the California Community Care Facilities Act.

This bill would add a definition of "placement agency" to the definitions already provided It would require a placement agency to place individuals only in licensed facilities or facilities exempt from licensing, as specified, or which have applied for a license in certain situations, and would impose penalties for lack of compliance and various investigations and reporting requirements on placement agencies and the Department of Social Services It would impose a state-mandated local program to the extent these requirements apply to publicly operated placement agencies It would also impose a state-mandated local program, as a violation of the provision would be a misdemeanor

(2) Existing law does not require each facility required to be licensed pursuant to the California Community Facilities Act to keep a current record of clients in the facility.

This bill would impose such a requirement This would impose a state-mandated local program since any violation of the laws or regulations under the California Community Care Facilities Act constitutes a misdemeanor It would also impose a state-mandated local program upon local agencies which maintain facilities which would be subject to the requirement

(3) This bill would require the department to notify affected placement agencies and the Office of the State Long-Term Care Ombudsman if a substantiated complaint which poses a serious threat to the health or safety of the resident results in the assessment of a civil penalty or when an accusation is filed for the revocation of a license

(4) The bill would make the same provisions apply to the California Residential Facilities for the Elderly Act, which is proposed to be added to the law by SB 185, if SB 185 is enacted and becomes effective on January 1, 1986

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 1097 (AB 33) Mojonnier Child abusers

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 child abusers

Ch. 1098 (AB 2401) Filante Controlled substances.

(1) Existing law defines "narcotic drug" for purposes of the California Uniform Controlled Substances Act That definition does not include acetylfentanyl

This bill would include acetylfentanyl, its thiophene analog, and their derivatives, salts, compounds, isomers, and preparations in that definition

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(2) Existing law specifies the substances that are included in five schedules of controlled substances.

This bill would delete alpha-methylfentanyl from Schedule I and would add acetylfentanyl, its thiophene analog, and their derivatives, to Schedule I but would authorize their use for research, instruction, or analysis, upon registration with the Department of Justice, under specified circumstances. The bill would also add substances known as MPPP and PEPAP to Schedule I. The bill would add alfentanyl and sufentanyl to Schedule II, as specified, and add buprenorphine to Schedule V. The bill would make other corrective changes in the schedules.

The bill would create a state-mandated local program by changing the definition of a crime.

(3) Existing law requires a physician prescribing or furnishing a controlled substance classified in Schedule II to an habitual user to furnish a report containing specified information to the Attorney General plus any additional reports requested by the Attorney General regarding the treatment of the user

This bill would repeal these provisions. The bill would also make conforming technical, nonsubstantive changes.

(4) Existing law requires every person who is convicted of specified controlled substance offenses to pay an additional $50 fine imposed as a criminal laboratory analysis fee, and authorizes a peace officer making or attempting to make an arrest for specified controlled substances offenses to seize various property which is subject to forfeiture.

This bill would include additional specified offenses relating to the manufacture of controlled substances within those provisions.

Existing law prohibits the granting of probation or suspension of the execution or imposition of the sentence for persons convicted of manufacturing phencyclidine, but not for offering to manufacture phencyclidine

This bill would include convictions of offering to perform specified acts relating to the manufacture of phencyclidine in that prohibition

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 1099 (SB 272) Presley Crimes

Existing law provides for forfeiture of property where a defendant was engaged in a pattern of criminal profiteering activity, as defined, relating to specified crimes.

This bill would add child pornography and exploitation, as specified, to those crimes

Existing law provides in those forfeiture cases for the distribution of the proceeds to state or local government, as specified.

This bill would, in those child pornography cases, require that the proceeds be deposited in a county's children's trust fund or the State Children's Trust Fund, in the absence of a county fund (which funds are provided for under existing law). Funds deposited in the state fund are continuously appropriated for specified purposes. Because this bill would increase the amount of moneys in the state fund it would constitute an appropriation.

Existing law provides for the imposition of a 2, 3, or 4 year state prison term or a fine not exceeding $50,000, or both, for specified felonies involving commercial distribution of obscene matter depicting minors engaged in or simulating sexual conduct

This bill would change the term to 2, 3, or 6 years and the fine to a maximum of $100,000.

The bill would also incorporate changes to Sections 186.2 and 311.2 of the Penal Code made by AB 595 and SB 498, respectively, contingent on the enactment of those bills

Ch. 1100 (AB 84) Moore Child nutrition

Under existing law, the State Department of Education is required to make allowances to schools from the State Child Nutrition Fund for school and child care and development program meals. From these allowances, child nutrition entities are reimbursed on the basis of 5¢ for each breakfast and 5¢ for each lunch served

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This bill would increase the reimbursement to child nutrition entities to $11^{35}/_{100}¢$ for each breakfast and $11^{35}/_{100}¢$ for each lunch served, commencing with the 1985–86 fiscal year.

The bill would state the intent of the Legislature that its provisions be funded by the annual Budget Act.

This bill would take effect immediately as an urgency statute.

Ch 1101 (AB 2210) O'Connell. Air pollution: fee schedule.

Under existing law, the board of an air pollution control district or air quality management district is authorized to adopt a schedule of annual fees to cover the costs of programs related to permitted stationary sources authorized or required by law. Existing law requires that the fees for any fiscal year do not exceed the actual cost of district programs for the preceding year, plus an adjustment not greater than the change in the annual California Consumer Price Index, as specified

This bill would expressly permit the district to recover, through its schedule of annual fees, the estimated reasonable costs of district programs related to permitted stationary sources, and would authorize the district board to require an applicant to deposit a fee prior to evaluating a permit application, subject to refund of any significant portion of the deposit which exceeds the actual, reasonable cost of evaluating the application.

The bill would incorporate additional changes to Section 42311 of the Health and Safety Code proposed by AB 681 to be operative only if this bill and AB 681 are both enacted and this bill is enacted after AB 681

Ch. 1102 (AB 2050) McAlister. Agricultural marketing. California Sheep Commission.

(1) Existing law permits marketing orders issued under the California Marketing Act of 1937 to contain, and various agricultural commissions to adopt, provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities.

This bill would create the California Sheep Commission, with prescribed membership and districts, 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 sheep. The bill would authorize the commission to levy an assessment not to exceed specified amounts, according to year, on producers to be paid to the commission by the handler, 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 producers of sheep, 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) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating new crimes

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1103 (AB 706) Peace. Fish· artificial reef program.

Under existing law, the Department of Fish and Game administers laws providing for ocean resources enhancement

This bill would establish the California Artificial Reef Program, as described, and require the department to administer the program

The bill would express legislative intent in regard to the program and its funding

Ch. 1104 (AB 2443) Ferguson. Energy resources conservation.

Under the Warren-Alquist State Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission is required to prescribe design and construction standards for new buildings which increase the efficiency of energy used for residential and nonresidential buildings and to pre-

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scribe energy conservation design standards for new residential and nonresidential buildings.

This bill would require the commission to establish a formal process for certification of compliance options for new products, materials, and calculation methods, as specified. The bill would authorize the commission to charge applicants a reasonable fee to cover the cost of the bill. The bill would require any money so received by the commission to be deposited in the Energy Resources Programs Account in the General Fund and would continuously appropriate the money to the commission for purposes of the bill The bill would require any unencumbered portion of a fee collected for an application remaining after completion of the certification process to be returned to the applicant within a reasonable period of time

Ch 1105 (AB 1004) Hill. Otterbein State Recreation Area. grant to County of Los Angeles.

Under existing law, Otterbein State Recreation Area is a unit of the state park system.

This bill would authorize the Director of General Services to grant and convey to the County of Los Angeles the interest of the state in that property on condition that it be used as a public park and recreation area and that park improvements conform to specified requirements. The bill would make legislative findings and declarations in that regard.

Ch 1106 (AB 892) Costa Eminent domain.

Existing law provides that when a public agency acquires property under its powers of eminent domain, the property must be acquired for not less than a fair market value

This bill would provide that a public agency may make an offer to acquire for less than what it believes to be the fair market value of the real property if (1) the owner has offered the property for sale, as defined, at a price less than what the public agency believes to be fair market value, (2) the public agency has offered to pay the price which the owner has specified for sale of the property, and (3) no federal funds are involved in the acquisition, construction, or project development

Ch. 1107 (AB 579) Costa Coastal zone· boundaries.

Under existing law, "coastal zone" includes designated land and water areas along the state's coastline for purposes of the California Coastal Act of 1976. The precise area included within the coastal zone is shown on maps filed with the Secretary of State or described in the act.

This bill would require the State Coastal Conservancy and the Department of Fish and Game, jointly, in consultation with the owners of the Famosa Slough property consisting of approximately 20.4 acres in the County of San Diego, as specified in the bill, to prepare and submit a plan to the California Coastal Commission which provides for the delineation of the developable area and wetland restoration of that property and other property known as the Famosa Channel, as specified The bill would, upon certification of the plan by the commission, and upon certification by the conservancy that specified conditions have been complied with, exclude the developable lands in the Famosa Slough property from the coastal zone

Ch 1108 (AB 1783) Filante Sentencing.

Existing law authorizes the court, in imposing a felony sentence, to consider specified information, including statements in aggravation or mitigation which may be submitted by the prosecution or the defendant at least 4 days prior to the time set for imposition of judgment. Other provisions of law allow the victim or other specified persons to attend all sentencing proceedings, require the court in imposing sentence to consider the statements of those persons and state on the record whether the defendant would pose a threat to public safety if granted probation, and require the probation officer to obtain a statement from the victim for a probation report in felony cases unless the victim has testified.

This bill would include an additional specification in the law relating to imposition of felony sentences, that the court may consider statements which may be submitted in aggravation or mitigation by the victim, or the family of the victim if the victim is deceased.

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The bill would also provide that it is a circumstance in aggravation of a crime in cases in which the victim is a specified disabled or elderly person

This bill also makes additional changes proposed by SB 428, to be operative only if SB 428 and this bill are both chaptered and become effective on January 1, 1986, and this bill is chaptered after SB 428.

Ch 1109 (SB 604) Alquist Human remains.

Under existing law, several provisions provide for the disposition of cremated human remains, and provide that anyone who disposes of any human remains within the corporate limits of a city, except in a cemetery, is guilty of a misdemeanor

This bill would consolidate the provisions relating to the disposition of cremated remains to disposal in cemeteries and disposition at sea and would permit cremated remains to be kept in a private dwelling or a church or religious shrine under certain circumstances The bill would also delete from the misdemeanor provision the limitation requiring disposition within a city By enlarging the misdemeanor to make it apply to dispositions within or without a city, this bill would constitute a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1110 (SB 387) Seymour Child day care facilities

Under existing law, any person who willfully or repeatedly violates laws or regulations relating to day care centers and family day care homes is guilty of a misdemeanor, with specified penalties

This bill would expressly provide that recreation programs conducted by specified organizations for children as determined by regulation of the State Department of Social Services are not within the application of laws relating to child day care facilities. The bill would provide that the operation of a child day care facility without a license shall subject the owner or operator, or both, to a summons to appear in court. The bill would also provide for other specific civil penalties but would provide an exemption from the civil penalty for operating without a license if the sole reason for nonlicensure is a lack of liability insurance, as specified.

Existing law requires the State Department of Social Services to notify day care centers in writing of deficiencies and permits the department to levy a daily civil penalty for noncompliance If the center fails to comply within a set period of time, the amount of the penalty is forfeited to the department.

This bill would instead provide for a civil penalty for noncompliance.

Existing law provides that site visitations of licensed day care centers shall be made annually.

This bill would provide that site visitations shall also be made as often as necessary to ensure compliance

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by requiring licensing agencies to make determinations that a family day care home is operating without a license and to notify family day care homes of deficiencies and to take subsequent action for failure to correct those deficiencies

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

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Ch. 1111 (SB 391) Presley. Missing person reports

(1) Existing law provides procedures for the release of dental records and submission of missing person reports to the Department of Justice within a specified time, and requires the department to catalog the reports, as specified.

This bill would require that missing person reports, including reports of runaways, be accepted by local police and sheriff's departments without delay, be transmitted to other departments having jurisdiction over the residence of the missing person and the place where the person was last seen, and be transmitted to other governmental authorities. The bill would impose a state-mandated local program by imposing new duties on local agencies with respect to accepting and transmitting reports of missing persons. The bill would authorize the police or sheriff's department having jurisdiction of the place in which the person reported missing was last seen to initiate the investigation into the location of the missing person.

The bill would require the Department of Justice to conduct a study to determine if the establishment of time limitations for forwarding reports of missing minors by local agencies to state and federal authorities would expedite the location of or enhance the probability of locating those minors, and to report its findings to the Legislature no later than July 1, 1987.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch 1112 (SB 474) Morgan Passenger trains bulk tickets

Existing law authorizes the Department of Transportation to construct, acquire, or lease and improve and operate railroad passenger terminals and related facilities which provide multimodal passenger services along specified corridors, including the San Francisco Peninsula commute corridor.

This bill would also authorize the department, until January 1, 1988, to make bulk purchases of passenger tickets for this corridor and to resell these tickets at less than cost to the public. The department would be required to report to the Legislature on or before December 31, 1987, on its implementation of these provisions

The bill would specify that nothing in the bill would be construed to affect specified existing labor agreements, as of April 1, 1985, between the Southern Pacific Transportation Company and a specified labor union or to eliminate, because of resale of tickets by the department, any present employee position to perform ticket sales under a specified agreement, as of that date.

Ch. 1113 (SB 779) Stiern. Juvenile court law

Existing law contains a provision authorizing Kern and Los Angeles Counties to receive or contain a maximum of 125 children in any of their juvenile homes, ranches, camps, or forestry camps. The provision is operative until January 1, 1986

This bill would extend the operative date of the provision until January 1, 1989.

Ch. 1114 (SB 1102) Deddeh. PERS· retirement allowances.

The Public Employees' Retirement Law confers administrative control over the Public Employees' Retirement System upon the Board of Administration, includes within the membership of the board an employee of a school district or a county superintendent of schools who is an active local member of the system and an employee who is an active local member of the system and who is employed by a local agency other than a school district or county superintendent of schools, and provides for meetings of the board and committees of the board

This bill would require the system to pay to the employer of any local member of the system who is a member of the board, $100 for each day of actual attendance, or portion thereof, at board meetings or committee meetings.

Chapter 1065 of the Statutes of 1984 authorized PERS contracting agencies, by contract amendment as specified, to elect an alternative retirement formula of 1 713% at age 50 to 2.35% at and over age 56 for local peace officers and county peace officers who

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are local safety members and who are also covered by federal social security, as specified.

This bill would authorize affected members to elect, as specified, to remain subject to the previous formula

Ch 1115 (SB 1087) McCorquodale. Schools: county superintendents of schools: employees.

(1) Existing law specifies that if the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for 2 complete consecutive years by the superintendent in a teaching position in those schools or classes requiring certification qualifications and whose salary is paid from the county school service fund is reelected for the next succeeding school year to such a position in those schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools

This bill would impose a state-mandated local program by deleting the requirement that these persons be employed specifically in a teaching position, as defined, thereby requiring county superintendents of schools to classify, as permanent employees, *persons employed in any position requiring certification qualifications.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1116 (SB 164) Petris. Health: water pipes· solders

(1) Under existing law, the State Department of Health Services is required to develop a program to prevent and identify disabilities and debilitating diseases caused by lead poisoning for purposes of reducing infant mortality and improving the health of mothers and children.

This bill would prohibit the use of solders containing more than $^{2}/_{10}$ of 1% lead in making joints and fittings in any private or public potable water supply system or any water user's pipelines, except as otherwise specified, and would prohibit the sale of solders containing more than $^{2}/_{10}$ of 1% lead on and after July 1, 1986, unless they contain a specified warning label. The bill would also prohibit the use of lead pipe in the construction of private or public potable water supply systems on and after January 1, 1986, and would require the State Department of Health Services to adopt standards in a specified manner limiting the use of lead materials in public and private water systems. The bill would require that the standards be enforced by the appropriate state and local building and health officials. This would impose a state-mandated local program to the extent that local building and health officials would be required to enforce the standards.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1117 (SB 156) Mello. Housing development approvals.

(1) Existing law contains a legislative finding that there is an immediate need to encourage the development of new housing by providing financial assistance for that housing and by making changes in the law so as to provide greater encouragement for governments to approve housing developments.

This bill would expand that legislative finding.

The bill would impose a state-mandated local program by requiring a city, county, or

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city and county to provide one or more of several specified regulatory concessions or incentives to ensure that certain housing developments will be constructed at a reduced cost and by requiring the city, county, or city and county, to make written findings supporting a decision that it is unnecessary or inappropriate for that entity to provide those concessions or incentives

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1118 (AB 610) Hughes Education· mathematics, engineering, and science achievement program.

Under current law, the Mathematics, Engineering, and Science Achievement (MESA) program receives allocations of matching funds for specified programs it administers from the State Department of Education

This bill would enact statutory provisions which codify the present structure and goals of the MESA program

The bill would require the Regents of the University of California, if they so resolve, to submit an annual report regarding MESA, on or before January 1 of each year, commencing January 1, 1988.

This bill would also require the MESA program to develop a model comprehensive engineering and science career counseling preparatory program for junior high school pupils, as specified.

This bill would require the MESA program to establish pilot projects at a minimum of 3 centers located throughout California, as specified

This bill would require the California Postsecondary Education Commission to evaluate the effectiveness of those pilot projects, and to submit a report summarizing the evaluation, as specified, to the Legislature by September 1, 1989

This bill would further require the commission to report to the Legislature before January 1, 1989, regarding specified aspects of MESA operations

This bill would appropriate $175,000 for the 1985–86 fiscal year to the University of California for allocation to the MESA program for purposes of funding the pilot projects established pursuant to the provisions of this bill

This bill would state the Legislature's intent that funding for the continuation of the pilot projects through the 1988–89 fiscal year be provided through the appropriation for the University of California provided in the annual Budget Act.

The bill would specify that the funds appropriated for purposes of funding the pilot projects shall not be available for expenditure in any fiscal year unless the MESA program obtains $175,000 in matching funds from the private sector for that fiscal year. Upon certification by the MESA program of the availability of matching funds, the bill would require the Regents of the University of California to transfer an amount equal to the amount of matching funds to the MESA program.

No provision of this bill would apply to the University of California, unless the Regents of the University of California, by resolution, make that provision applicable to the university.

This bill would make the provisions relating to the MESA program inoperative on June 30, 1990, and would repeal them as of January 1, 1991.

This bill would take effect immediately as an urgency statute.

Ch 1119 (AB 104) Bronzan. Health services.

(1) Existing law authorizes the California Health Facilities Authority to provide financial assistance through various means for health facility construction projects

This bill would permit any county or city and county to buy or lease health facilities from the authority and to sell or lease those facilities to the authority, as specified

(2) Existing law creates the County Health Facilities Sinking Fund and requires the Controller to transfer to that fund, among other amounts, the unexpended balance of moneys contained in the County Health Services Fund, including the unexpended balances of various accounts within the County Health Services Fund, from the 1981–82 fiscal year, and each fiscal year thereafter.

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This bill would rename the County Health Facilities Sinking Fund the County Health Facilities Financing Assistance Fund and would except from that transfer requirement certain actual and projected savings that occur in the operation of the County Health Services Fund.

Existing law requires the Controller to transfer $10,000,000 from tidelands revenues into that fund.

This bill would, instead, appropriate $10,000,000 from that portion of the funds in the Special Account for Capital Outlay in the General Fund which is designated for county health authority local assistance to the County Health Facilities Financing Assistance Fund.

(3) Existing law generally requires that moneys in the County Health Facilities Sinking Fund be utilized to fund 50% of the amortization costs of projects approved by the California Health Facilities Authority and requires any interest earned on the investment of moneys in the fund to be utilized to amortize loans for certain county health facilities.

This bill would delete the requirement that moneys in the fund be utilized for that purpose. The bill would require the authority to utilize the interest earned on the investment of moneys in the fund to provide specified types of assistance to counties to pay the debt service on loans for, or otherwise assist in the financing of, those county health facilities or, under certain circumstances, for health facilities owned or operated by a local hospital district

(4) Existing law provides that any funds in excess of a specified amount allocated to a county which did not contract with the State Department of Health Services for the 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 and which are savings from the Medically Indigent Services Account, shall be deposited in the Local Health Capital Expenditure Account

This bill would, instead, provide that these funds be transferred to the County Health Facilities Financing Assistance Fund.

(5) The bill would also require that the amount deposited in the Local Health Capital Expenditure Account in the County Health Services Fund pursuant to a specified item of the Budget Act of 1984 be transferred to the County Health Facilities Financing Assistance Fund This would constitute an appropriation.

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

Ch. 1120 (AB 1603) Agnos Dependent adult and elder abuse.

Existing law contains various provisions relating to abuse of dependent adults, as defined These provisions would be repealed on January 1, 1986.

This bill would instead provide that these provisions would be repealed on January 1, 1990.

Under existing law, any person witnessing or suspecting that a dependent adult is being or has been subject to abuse may report suspected cases to the county adult protective services agency.

Existing law also requires specified individuals to submit reports of suspected elder abuse to county adult protective services agencies under certain circumstances, and permits all other individuals to file these reports

The bill would modify existing provisions relating to the submission of reports to county adult protective services agencies of elder or dependent adult abuse, with certain of these modifications to be operative only if AB 238 is enacted during the 1985 portion of the 1985–86 Regular Session

The bill would require the State Department of Social Services, in cooperation with representatives of county government, and in consultation with specified entities to establish minimum guidelines for a county adult protective service agency to determine when an investigation of an allegation of elder or dependent adult abuse is warranted

The bill would also require the Department of Justice, in consultation with specified entities, to develop uniform guidelines for local law enforcement assistance with investigations of allegations of elder or dependent adult abuse conducted by county adult protective service agencies.

The State Department of Social Services and the Department of Justice would be required to report to the Joint Legislative Budget Committee by January 1, 1988, on the

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fiscal and programmatic impact of the guidelines developed by the respective agencies

Since the bill extends provisions permitting individuals to report to each county on dependent adult abuse, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1121 (SB 1088) McCorquodale. Patient records: confidentiality.

Existing law provides that all information and records obtained in the course of providing certain services to persons with developmental disabilities or in the course of providing mental health services to voluntary or involuntary recipients of those services are confidential and cannot be released, with certain exceptions

This bill would provide an exception to permit release of this information and records to the agency designated pursuant to federal law to protect and advocate the rights of persons with developmental disabilities, under specified conditions.

This bill would incorporate additional changes in Section 5328 of the Welfare and Institutions Code proposed by SB 1034 and AB 1750, which would become operative, as specified, only if either or both of these bills and this bill are chaptered, and this bill is chaptered last

This bill would incorporate additional changes in Section 4514 of the Welfare and Institutions Code proposed by AB 1751, which would become operative only if AB 1751 and this bill are chaptered, and this bill is chaptered last

Ch. 1122 (AB 1130) Roos. Spousal abusers.

Existing law provides for a program of enhanced prosecution efforts as to certain criminal offenders, whereby the Office of Criminal Justice Planning allocates funds to counties, as specified

This bill would establish a similar program particularly concerning spousal abusers that would utilize any available federal funds, and local matching funds, as specified.

Ch. 1123 (AB 1209) Vicencia. Schools for traffic violators: fees.

(1) Under existing law, in lieu of adjudicating a traffic offense and with the consent of the defendant, the court may order the person issued a notice to appear for a traffic violation to attend a licensed school for traffic violators or licensed driving school. The clerk of the court is required to collect a $10 fee from a person ordered to attend a school, which is deposited with the county and disbursed by the county board of supervisors as the public interest requires, and the court clerk is required to collect $1 for the courthouse construction fund in specified counties.

This bill would, additionally, require the court to order the payment of a $10 fee. After the county deducts $1 10 per citation for its administrative cost, the funds collected would be transferred to the issuing local governmental entity, as specified, for deposit in its general fund.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1124 (SB 740) Deddeh. Swimming facilities

Existing law contains provisions relative to public swimming pools, as defined, which are administered by the State Department of Health Services and the local health officers. Under this law, every person proposing to construct a public swimming pool is required to file a copy of plans to obtain approval in accordance with certain standards. Existing law also requires these public swimming pools to meet other standards relative to water purity and the safety of swimmers.

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This bill would exempt certain artificially constructed swimming facilities from the above described construction requirements, but would require these facilities to meet other prescribed health and safety standards contained in existing law.

Ch. 1125 (SB 778) Presley. Arraignments television

Existing law authorizes a 4-year pilot project, with the approval of the presiding judge, the district attorney, and the public defender, in specified counties, for the use of 2-way television to be used in arraignments in superior or municipal court, as specified.

This bill would add Riverside County to the list of counties authorized to conduct such a pilot project.

The bill would also incorporate changes to Section 977.2 of the Penal Code proposed by AB 1347, contingent upon its enactment.

Ch. 1126 (AB 2000) Davis Vehicles: registration violations amnesty.

Under existing law, any vehicle operated on a highway is required to be registered annually and the fees specified in the Vehicle Code paid. The Vehicle Code specifies penalties for failure to register or renew registration when due.

This bill would state certain legislative findings and declarations concerning the extent of losses of state funds due to the failure of many persons to register their vehicles and the need for increased penalties therefor coupled with a period of amnesty from penalties for prior violations, and would, effective April 1, 1986, increase the penalties for a delinquency period of more than one year to and including 2 years from 20% to 40% of the required fees, and for a delinquency period of more than 2 years to 80% of the required fees The bill would also, effective April 1, 1986, impose a fine of not less than $50 and not more than $250 on any person driving, moving, or leaving standing on a highway or offstreet public parking facility any vehicle required to be registered for which the registration fees have not been paid, and would make other related and technical changes in this regard.

The bill would direct the Department of Motor Vehicles to establish an amnesty period from January 1, 1986, to and including March 15, 1986, when any vehicle for which registration is required may be registered without payment of any penalty that would otherwise apply to any fee for registration required to be paid on or prior to February 28, 1985. The bill would direct the department to prepare and disseminate a public information program on this amnesty period emphasizing an official policy to detect and prosecute violations not taken care of during the amnesty period. The bill would direct the department to publicize the increased penalties for registration violations effective April 1, 1986, and to coordinate its publicity efforts with the Department of the California Highway Patrol. The bill would specify that, for amnesty to apply, all delinquent fees for a vehicle must be paid during the amnesty period

The bill would appropriate $1,875,000 from the Motor Vehicle Account in the State Transportation Fund to the department to implement and publicize the amnesty program.

The bill would also enact, operative April 1, 1986, the changes in Section 22651 of the Vehicle Code made by AB 771 to become operative only if AB 771 is enacted and amends that section

The bill would take effect immediately as an urgency statute.

Ch 1127 (SB 185) Mello. Residential care facilities for the elderly.

Under existing law, residential care facilities for the elderly are regulated as community care facilities by the State Department of Social Services.

This bill would delete residential care facilities for the elderly from provisions of law relating to community care facilities. The bill would instead provide for the separate licensing and regulation by the department of residential care facilities for the elderly, as defined.

The bill would also provide for fees for the licensing of these facilities which would be deposited in the Residential Care Facility for the Elderly Fund which would be created in the State Treasury

The bill would require the State Department of Social Services to develop jointly with the Department of Aging specified programs.

This bill would also require the Health and Welfare Agency to submit to the Legisla-

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ture by December 1, 1986, an implementation plan to establish standards on levels of care in residential care facilities for the elderly. The bill would require the Auditor General to report no later than March 1, 1986, to the Legislature on the costs of operation of residential care facilities for the elderly.

This bill would appropriate $100,000 to the State Department of Social Services for specified purposes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would require the State Department of Social Services to enact regulations concerning residential care facilities for the elderly, the violation of which would be crimes. The creation of new crimes imposes a state-mandated local program.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1128 (SB 54) Campbell. Sales and use tax· nonmonetized bullion: numismatic coins

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 also exempt until January 1, 1991, nonmonetized gold or silver bullion and numismatic coins, as specified.

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 require the Legislative Analyst to report to the Legislature on the fiscal impact of the sales and use tax exemption provided by the bill no later than January 1, 1990

This bill would take effect immediately as a tax levy but its operative date would depend on its effective date

Ch 1129 (SB 1333) McCorquodale. Public records requests for bilingual ballots or ballot pamphlets

Existing law provides that, notwithstanding specified provisions of the California Public Records Act, requests for bilingual ballots or ballot pamphlets or other data that would reveal the identity of the requester shall not be open to inspection except by the precinct board, and other public officers or employees who are responsible for receiving and processing those requests.

This bill would revise this requirement to provide that information compiled by public officers or public employees revealing the identity of persons who have requested bilingual ballots or ballot pamphlets or other data that would reveal the identity of the requester shall not be open to inspection and shall not be provided to any person other than public officers or employees who are responsible for receiving and processing those requests

Ch 1130 (AB 695) Johnson. Compensation.

Existing law provides that if the 3rd member of the State Board of Control is not a state officer acting ex officio, the member shall receive $50 a day for attendance at meetings, not to exceed 8 meetings per month

This bill would increase the amount to $100 a day, not to exceed 6 meetings per month

Existing law authorizes the indemnification by the State Board of Control of victims of crimes, as defined, pursuant to a specified procedure Emotional injury resulting from a crime is not indemnified under existing law unless it is incurred by a person who also

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sustains physical injury or threat of physical injury, or by a member of the family of the victim if that person was present during the actual commission of the crime, or by an individual who sustains an emotional injury as a result of being a victim of specified sexual crimes.

This bill would also authorize the indemnification of up to a maximum of $10,000 in medical expenses and mental health counseling expenses to any member of the family of a person who sustains injury or death as a direct result of a crime when that family member has incurred emotional injury as a result of the crime

The changes made by this bill would remain in effect only until January 1, 1990, and as of that date would be repealed, unless a later enacted statute deletes or extends that date

This bill would incorporate additional changes in Section 13960 of the Government Code as amended by SB 1331 to be operative only if this bill is chaptered after SB 1331, as specified.

Ch. 1131 (SB 45) Garamendi. Arts education: California State Summer School for the Arts.

Existing law provides for the California State Summer School for the Arts.

This bill would revise the provisions governing that program.

This bill would establish a board of trustees, as specified, which would be required to appoint a Director of the California State Summer School for the Arts, to provide for the operation and governance of the summer school, and to develop a statewide application and audition procedure.

This bill would require the State Department of Education to distribute information regarding the summer school program to all school districts in the state.

Existing law provides for the California State Summer School for the Arts Advisory Council, and authorizes the advisory council to perform specified functions regarding the operation of the summer school.

This bill would provide that the advisory council would cease to operate on July 1, 1986, except as continued or reestablished by the board of trustees.

This bill would impose a state-mandated local program by requiring the appropriate local entities, including school districts, to cooperate in the implementation of the application and audition procedure

This bill would set forth criteria for the admission of pupils to the California State Summer School for the Arts.

This bill would specify that participation shall not be credited toward completion of the prescribed course of study for the pupil's graduation from high school, except upon payment of all fees by the pupil's regular school of attendance, as specified.

This bill would require the faculty of the California State Summer School for the Arts to be annually selected, subject to the final approval of the school's director, by the trustees, upon consultation with a faculty selection panel convened by the trustees for that purpose This bill would specify the criteria for selection of faculty members, and would require that they be paid on a contractual basis and not be considered state employees.

This bill would require the trustees to annually select the site for the summer school through a competitive request for proposal procedure, and would specify criteria to be employed in the selection process.

This bill would require that no more than 50% of the actual costs of the California State Summer School for the Arts be paid with state funds, and that at least 50% of those costs be met with fees and private support.

This bill would authorize the California State Summer School for the Arts to charge each student enrolled in the school a fee not to exceed $750 per session, to include room and board, for the 1986–87 fiscal year The fee would be subject to increase in each subsequent fiscal year in an amount not to exceed a specified inflation factor. Students unable to pay all or part of the fee would be permitted to petition the State Department of Education for a fee reduction or waiver.

This bill would authorize the trustees to accept private support for the California State Summer School for the Arts until such time as a nonprofit foundation may be established for that purpose. The bill would direct the trustees to establish such a nonprofit foundation.

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This bill would require the board of trustees to submit a report to the Legislature regarding the progress and impact of the California State Summer School for the Arts by January 1, 1988.

This bill would repeal the provisions relating to the summer school on January 1, 1990.

This bill would appropriate $20,000 to the State Department of Education for allocation to the Trustees of the California State Summer School for the Arts for purposes of reimbursing its members for their actual and necessary traveling expenses, and for purposes of meeting expenses and other planning expenses necessitated by this bill

This bill would appropriate $30,000 to the State Department of Education in the 1985–86 fiscal year for planning the summer school program before its commencement.

This bill would provide for the allocation of $1,150,000, from the state appropriations for summer school programs generally, over the period of 3 fiscal years by the State Department of Education to the trustees for purposes of the California State Summer School for the Arts, according to a specified schedule. In any fiscal year in which at least 50% of the costs of the school are not met with fees and private support, this bill would require that these state funds be returned for allocation for other summer school programs.

This bill would specify that state expenditures under this bill shall be limited to the amounts appropriated specifically for the purposes of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

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

Ch. 1132 (AB 1964) Klehs Insurance: medical record information

Existing law provides that medical record information supplied by a medical care institution or medical professional and requested by an authorized individual, together with the identity of a medical professional or medical care institution which provided the information, shall be supplied by the insurer to the individual or to the medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent or insurance support organization prefers.

This bill would instead provide that those records shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the individual prefers. However, mental health records could be supplied directly to the individual only if approved by a qualified professional treating the individual for the condition to which the information relates.

Existing law provides, in the event of an adverse underwriting decision, that specific items of medical record information supplied by a medical care institution or a medical professional be disclosed either directly to the individual about whom the information relates or to a medical professional designated by the individual and licensed to provide medical care with respect to the conditions to which the information relates, whichever the insurance institution or agent prefers.

This bill would make those disclosure provisions subject to individual preference, except that mental health record information could be supplied directly to the individual only if approved by a qualified professional treating the individual for the condition to which the information relates.

The bill would make related changes.

Ch 1133 (SB 11) Montoya. Athlete agents· registration.

Existing law provides for the registration of athlete agencies by the Labor Commissioner.

This bill would instead provide for the registration of athlete agents, rather than athlete agencies, by the Labor Commissioner, and would revise various definitions of terms used in these provisions.

Existing law provides that a member of the State Bar of California, when acting as

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legal counsel for any person, is not an athlete agent.

This bill would make specified provisions governing athlete agents relating to fees for services, notices to athletes, disclosure of ownership and financial interests, division of fees, and kickbacks applicable to members of the State Bar of California, and would specify that willful violation of these provisions is cause for the imposition of discipline of an attorney within the meaning of the State Bar Act.

Existing law requires that an application for registration, among other things, be accompanied by affidavits as to the good moral character of the applicant.

This bill would delete this requirement and instead require that an application for registration be accompanied by affidavits or certificates of completion of specified formal training or practical experience, and would permit the Labor Commissioner to consider any other relevant training, education, or experience.

Existing law permits the Labor Commissioner to investigate the character and responsibility of the applicant for registration.

This bill would instead permit the Labor Commissioner to evaluate and investigate the education, training, experience, and character of the applicant for registration.

Existing law provides that no registration shall be granted to conduct the business of an athlete agency to a person whose registration has been revoked within 3 years from the date of application

This bill would instead provide that if registration of an athlete agent is revoked or suspended, reinstatement of the registration shall be pursuant to procedures provided by specified provisions which, among other things, permit reinstatement after a period of not less than one year has elapsed.

Existing law provides that registration when first issued shall run to the next birthday of the applicant and thereafter shall run from birthday to birthday, or in the case of a corporation, the anniversary date of the forming of the corporation.

This bill would instead provide that registration shall be valid from July 1 of one year through June 30 of the following year.

Existing law requires an athlete agency, prior to the issuance or renewal of a registration, to deposit with the Labor Commissioner a surety bond in the sum of $10,000.

This bill would instead require an athlete agent to deposit this bond in the sum of $25,000, or an equivalent security as provided in specified provisions.

Existing law permits the Labor Commissioner to revoke or suspend any registration when one of specified factors is shown, including, among others, that the registrant has ceased to be of good moral character.

This bill would delete the authority of the Labor Commissioner to revoke or suspend any registration when the registrant has ceased to be of good moral character, and would, in addition, permit the Labor Commissioner to revoke or suspend any registration when the registrant fails to meet minimum requirements set by the Labor Commissioner pursuant to specified provisions

Existing law requires an athlete agency to secure the approval of the Labor Commissioner of the forms of contract to be utilized when entering into written contracts for the employment of the services of the agency.

This bill would instead require that all contracts to be utilized as agent contracts, as defined, be on a form approved by the Labor Commissioner

Existing law requires an athlete agent to file a schedule of fees to be charged and collected with the Labor Commissioner.

This bill would, in addition, provide that if a professional sport services contract is negotiated, the athlete agent is prohibited from collecting a fee in any calendar year which exceeds 10% of the total compensation, direct or indirect, and no matter from whom received, the athlete is receiving in that calendar year under the contract, and would provide that it is cause for the imposition of discipline of an attorney within the meaning of the State Bar Act for a member of the State Bar of California to negotiate a professional sport services contract for an athlete and to collect a fee for services related to that contract in any calendar year which exceeds 10% of the compensation the athlete is receiving in that calendar year under the contract

Existing law prohibits a registrant from selling, transferring, or giving away any interest in or the right to participate in the profits of the agency without the written consent of the Labor Commissioner, and provides a penalty of not less than $100 or more than $500, or imprisonment for not more than 60 days, or both, for a violation.

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This bill would instead provide a penalty of not less than $500 or more than $5,000, or imprisonment for not more than 90 days, or both, for a violation of this provision by an agent

This bill would also prohibit an athlete agent from entering into any agreement to offer anything of value to any employee of a university or educational institution in return for the referral of any clients by that employee, and would prohibit a full-time employee of a union or players association connected with professional sports to own or participate in any of the revenues of an athlete agent

This bill would prohibit an athlete agent from having an ownership or financial interest in any entity directly involved in the same sport as a person whom the athlete agent is representing

This bill would require that an athlete agent who is acting as an investment advisor must disclose any ownership interest the agent has in an entity regarding which the agent is giving advice to that client

Existing law requires a person appealing a decision of the Labor Commissioner involving a controversy on these provisions to file the appeal with the superior court, and to execute a bond in specified amounts.

This bill would instead require the appeal to be filed with the court of competent jurisdiction, and would delete the requirement for a bond.

Existing law requires an athlete agency to file copies of the registration certificate and all agent contracts made with a student with the president or chief administrative officer of the educational institution

This bill would repeal this provision

Existing law provides a violation of these provisions is punishable by a fine of not less than $1,000 or imprisonment for a period of not more than 60 days, or both.

This bill would increase the maximum imprisonment for this violation from 60 days to 90 days, thus imposing a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1134 (SB 128) Montoya Professional Engineers Act

(1) Existing law requires the executive office of the State Board of Registration for Professional Engineers and Land Surveyors to once every 4 years prepare a prescribed roster showing the names and addresses of all registered professional engineers.

This bill would require preparation of that roster once every 2 years, rather than 4 years, and to include the names and addresses of the holders of all delinquent certificates of registration and certificates of authority.

(1.5) Existing law authorizes the State Board of Registration for Professional Engineers and Land Surveyors to establish professional engineers investigation committees to assist the board in the investigation of claims of violation of any provisions of the Professional Engineers Act.

This bill would delete that authority and would instead authorize the board to establish one or more technical advisory committees to advise and assist the board with respect to applications for registration or licensure, evaluation and investigation of potential violations of the Professional Engineers Act, and amendment, repeal, or adoption of board rules, regulations, or procedures

(2) Existing law requires all civil engineering plans, specifications, reports, or documents to be prepared and signed by a registered civil engineer.

This bill would, in addition to the signature, require those documents to bear the seal or stamp of the registrant, and the expiration date of the certificate or authority.

(3) Existing law provides that an applicant for certification as an engineer-in-training shall, among other things, pass the first division of the examination

This bill would prescribe the requirements needed to be eligible to sit for the first division of the examination, would specify that the applicant for the second division of the examination (which is applicable to applicants for registration as a professional engineer) pass the first division or be exempt therefrom, and would specify that the board need not verify each applicant's eligibility other than to require the applicant to

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sign a statement of eligibility on the application form.

(4) Existing law directs the State Board of Registration for Professional Engineers and Land Surveyors to give credit towards qualifying experience requirements based on completed education and teaching achievements.

This bill would revise these credits.

(5) Existing law, generally, requires the board to administer the second division of the examination and authorizes the board, by rule, to waive the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications are equal to, and whose experience qualifications substantially exceed those of, persons who may have the first division of the examination waived

This bill would recast the provisions allowing a waiver of the second division of the examination by limiting its application to persons eminently qualified for registration by virtue of their standing in the engineering community, their years of experience, and other qualification factors as determined by the board

It would require that the second division of the examination for registration as a professional engineer include questions to test the applicant's knowledge of state laws. The second division of the examination for registration as a civil engineer would also be required to include questions designed to test the applicant on seismic and surveying principles.

The bill would require the board to prepare and distribute to applicants for the second division a pamphlet describing important state laws

(6) Existing law does not require the board to mail to a registrant or authority holder a notice of a pending expiration of a certificate of registration or certificate of authority

This bill would impose that duty on the board.

(7) Under existing law, if a certificate is renewed more than 30 days after its expiration, the certificate holder must pay the delinquency fee

This bill would revise the date after which a delinquency fee must be paid from more than 30 days to more than 60 days.

(8) Existing law allows for renewal of a certificate of registration as a professional engineer and a certificate of authority within 5 years of the expiration of a certificate as provided.

This bill would provide that upon the renewal, reinstatement, restoration, or reissuance of an expired certificate of registration or certificate of authority the board shall continue to have full jurisdiction and authority over the registrant or certificate holder, and work performed during a period of expiration or delinquency shall be deemed lawful and validly performed The bill would also provide that the renewal, restoration, reinstatement, or reissuance of a registration or certificate of authority does not affect liability issues regarding work performed while the certificate of registration or certificate of authority was expired or delinquent It would also provide that (a) the board may adopt rules to provide an opportunity from January 1, 1986, to December 31, 1987, for current delinquent registrants to have their certificate of registration or certificate of authority renewed, restored, reinstated, or reissued, (b) the board may provide a special fee including any appropriate penalties for such action, and (c) the board may require the taking of an examination if the applicant's certificate or authority is more than 5 years delinquent

(9) This bill would incorporate additional changes to Section 6751 of the Business and Professions Code, as proposed by SB 1030, if this bill and SB 1030 are both chaptered and this bill is chaptered last.

Ch 1135 (AB 265) Hughes. Housing.

(1) Existing law requires, for redevelopment plans adopted on or after January 1, 1977, that at least 20% of all tax increment moneys allocated to a redevelopment agency be utilized for the purposes of increasing and improving a community's supply of low- and moderate-income housing available for persons and families of low or moderate income or very low income households, unless certain findings are made

This bill would generally require that not less than 20% of all tax increment moneys generated in redevelopment project areas, for which final redevelopment plans were adopted prior to January 1, 1977, be utilized for the above purposes but would permit an agency to deposit a lesser amount if the agency finds that the deposit of a lesser amount is necessary to meet existing obligations or to complete public and private

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projects, programs, or activities. This requirement would impose a state-mandated local program

(2) The bill would specify that certain programs are entitled to priority consideration for assistance by various state entities.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 1136 (AB 1584) Clute. Motor vehicles. dealers· employment of salesperson.

(1) Existing law prohibits licensed vehicle dealers to do various acts, including employing any person as a salesperson who is not licensed as specified and whose license is not displayed on the premises of the dealer.

This bill would also make it unlawful for a dealer to willfully fail to notify the Department of Motor Vehicles by mail within 10 days of the employment or termination of employment of a salesperson

Since violation of that prohibition by a dealer would be a misdemeanor, the bill would create a new crime and thereby impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1137 (AB 1950) Vasconcellos Birth defect monitoring. appropriation

Under existing law, there is a birth defect monitoring program, administered by the State Department of Health Services.

This bill would make certain findings of legislative intent concerning this program, including the intent to expand the statewide birth defect monitoring program. It would appropriate $1,000,000 to the State Department of Health Services for the last 8 months of the 1985–86 fiscal year to expand the program, to specified counties

This bill would take effect immediately as an urgency statute.

Ch. 1138 (SB 217) Deddeh. Air pollution and safety: imported vehicles.

(1) Existing law prohibits any person from operating as an automotive repair dealer unless that person has registered with the Department of Consumer Affairs and paid a specified fee

This bill would require any person who, for compensation, adjusts, installs, or tests retrofit emission control systems on imported motor vehicles, as defined, to be licensed as an automotive repair dealer, thus imposing a state-mandated local program by creating a new crime. The new registration fees would be deposited in the Automotive Repair Fund, which is continuously appropriated to the department, thus resulting in an appropriation

(2) Existing law requires the State Air Resources Board to adopt emission standards for new and used motor vehicles and authorizes the state board to certify new and used motor vehicles meeting those standards. An owner with either a certificate of compliance or a certificate of noncompliance meets the requirements of an inspection and maintenance program.

This bill would require the state board to adopt a certification program for direct import used motor vehicles, as defined, and would specify components of the program. A direct import used motor vehicle covered by the program which was not registered prior to the adoption of specified regulations could not be registered without a certificate of conformance. The state board would license laboratories to test vehicles under the program to determine if the vehicles may be certificated

The bill would authorize the state board to impose fees for the licensing of laboratories and for issuing certificates of conformity to vehicle owners to recover costs of administra-

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The bill would impose a state-mandated local program by making it a felony punishable as specified for any person to falsify any test record or report under the program which has been submitted to any other person, the state board, or the Department of Consumer Affairs.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would appropriate $100,000 to the state board for the 1985–86 fiscal year

Ch. 1139 (AB 1435) Wright Contact lens dispensing.

Existing law prohibits any person other than a physician and surgeon or optometrist from, among other things, prescribing contact lenses and from utilizing the services of a registered dispensing optician in connection with the fitting of a contact lens or lenses

This bill would include plano contact lenses in those provisions and would require any person fitting and adjusting plano contact lenses to be registered as a contact lens dispenser

Ch. 1140 (SB 522) Royce Public employees: health benefits

Existing law permits the Board of Administration of the Public Employees' Retirement System to contract with carriers pursuant to the Public Employees' Medical and Hospital Care Act for basic health benefit plans, comprehensive benefit plans, major medical plans or to approve basic health benefit plans offered by employee organizations pursuant to specified conditions The plans shall include specified benefits

This bill, in addition, would require the board to contract with a sufficient number of carriers and plans that provide chiropractic services so that every employee and annuitant would have a reasonable opportunity to enroll in a plan that provides chiropractic services without prior referral by a physician.

Ch 1141 (AB 1314) Wright. Parks and recreation concession contracts. preservation project.

(1) 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. 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, have reviewed the concession, as specified.

This bill would increase from $100,000 to $250,000 the expected amount of total investment or the estimated annual gross sales of those contracts requiring review by the commission and the Legislature or the board The bill would also permit a proposed concession to be reviewed by the board where it was reviewed and approved, but it is necessary to revise the terms in a material respect.

(2) Under the California Environmental Protection Program, funds may be expended, when appropriated by the Legislature, to support identifiable projects and programs of state and local agencies and other organizations which have clearly defined benefits and have one or more specified purposes.

This bill would appropriate $29,500 from the California Environmental License Plate Fund to the Department of Parks and Recreation for the Riverside-Chinatown archaeological project, subject to certain provisos.

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

Ch. 1142 (SB 222) Montoya Transportation Rate Fund. fees: cement carriers.

(1) Existing law prohibits the operation of a self-propelled vehicle for the transportation of property for compensation on the highways without a certificate of public convenience and necessity issued by the Public Utilities Commission Existing law also requires a cement contract carrier, as defined, to obtain a permit from the commission

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to engage in the business of the transportation of cement.

This bill would define "public convenience and necessity," for applicants for cement carrier certificates, to mean that the applicant has met the criteria for a cement carrier permit, as specified.

(2) Existing law requires every express corporation, freight forwarder, motor transportation broker, and every person or corporation who owns and operates motor vehicles used to transport property for hire, to pay a quarterly fee to the Public Utilities Commission equal to ⅓ of 1% of gross operating revenues. These fees are deposited in the Transportation Rate Fund and are to be expended by the commission to carry out specified regulatory functions.

This bill would direct the commission to require those highway carriers otherwise subject to this fee whose rates are not regulated by the commission, as specified, to pay a fee equal to 1/10 of 1% of gross operating revenues, from July 1, 1986, to June 30, 1987, and the commission would be authorized during this period to increase, up to ½% the fees imposed upon those persons and corporations whose rates are regulated, upon making a specified decision, thereby making an appropriation by increasing the amount of revenues deposited in the fund, which is a continuously appropriated fund

The bill would require the commission to study its costs in providing services to those highway carriers subject to this fee whose rates are not regulated and would require the commission, the Department of Finance, and representatives of the carrier industry to assess the study and advise whether a permanent reduced rate should be established

The bill would appropriate $70,000 from the Transportation Rate Fund to the commission for the 1986–87 fiscal year to carry out the requirements of this provision of this bill.

(3) The bill would become operative on July 1, 1986.

Ch 1143 (AB 1347) Cortese Arraignments television.

Existing law authorizes a 4-year pilot project in specified counties, for the use of 2-way television to be used in arraignments and requires annual reports to the Legislature by each county conducting a project containing certain data, as shall be specified by the Judicial Council

This bill would authorize the Counties of Orange, Riverside, and Santa Clara to participate in the pilot project, as specified

This bill would require the above annual reports to be made instead to the Legislative Analyst, who would be required to compile and summarize the data in an annual report to the Legislature, as well as to the Judicial Council, which would also be required to report to the Legislature, as specified The bill would specify various data to be included in these reports

The bill would take effect immediately as an urgency statute

Ch. 1144 (AB 431) Farr Medi-Cal multiple sclerosis treatment.

Existing law provides for the Medi-Cal program, under which medical benefits are provided to public assistance recipients and other low-income persons. Under existing law, dialysis and hyperalimentation treatment is provided under the Medi-Cal program under provisions which exempt individuals from meeting the Medi-Cal income and resource requirements

This bill would provide that persons receiving Medi-Cal services for the treatment of multiple sclerosis shall continue to be eligible to receive benefits for these services under Medi-Cal, notwithstanding income and resource eligibility, until such time as the person is eligible for, and receives, 3rd party coverage for these treatments This bill would provide that these restricted benefits shall not continue for more than 2 years

Ch 1145 (AB 880) Vasconcellos. Education

(1) Existing law designates the California Postsecondary Education Commission as the statewide postsecondary education planning and coordinating agency and adviser to the Legislature and the Governor.

This bill would require the commission, in cooperation with the State Department of Education and public and private segments of higher education, to develop a feasibility plan, including specified elements, for a study to provide comprehensive information about the factors which affect students' progress through California's educational system, from elementary school through postgraduate education The bill would also identi-

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fy certain objectives of the comprehensive study.

This bill would require the commission to convene an advisory committee comprised of specified representatives to review the feasibility plan, and to submit the plan to the Legislature by March 15, 1986

(2) This bill would appropriate $50,000 to the California Postsecondary Education Commission for the purposes of this bill

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

Ch. 1146 (AB 1021) Sher *Toxic gases*

Existing law does not appropriate $100,000 to the State Air Resources Board for a study, administered by the Santa Clara Fire Chiefs Association of the use and management of toxic gases and of accidental release of toxic gases

This bill would make this appropriation and would require the study to include the drafting of a prescribed model ordinance. It would prohibit the study from duplicating certain other work underway in the state. It would require the study to be completed, and a report on its results transmitted to the State Air Resources Board and to the Legislature, on or before January 1, 1987.

Ch 1147 (SB 694) Seymour Birth Defect Monitoring Program

Under existing law, the Birth Defect Monitoring Program has been established in various counties in northern California

This bill would authorize the State Department of Health Services to enter into an agreement with a county for the implementation of the Birth Defect Monitoring Program and would appropriate $275,000 to the department for expenditure without regard to fiscal year to extend the program to the County of Orange

Ch 1148 (AB 1549) O'Connell. Hazardous waste haulers: registration. training.

Under existing law, no person may be granted registration as a hazardous waste hauler issued by the State Department of Health Services unless the equipment, as specified, used to transport hazardous waste has been inspected and received a certificate of compliance issued by the Department of the California Highway Patrol, and the owner or operator of the equipment provides documentation indicating that all persons who will operate the equipment have received training adequate to ensure the safe handling of the hazardous waste to be transported.

This bill would impose the training responsibility and documentation on the employer owning, leasing, renting, or otherwise providing vehicles or containers used in the transportation of hazardous waste, rather than on the owner or operator of the vehicles or containers The bill would exempt from the training requirement any person issued a hazardous waste haulers certificate. The bill would require the Department of the California Highway Patrol, after consultation with the State Department of Health Services and the Department of Motor Vehicles, to prescribe minimum standards relative to course length and subject matter for the required training.

Ch 1149 (SB 62) Hart. Schools· School Business Personnel Staff Development Training Program

(1) Under current law, there are no provisions that require the State Department of Education to design and implement a staff development training program for school business officials of the offices of county superintendents of schools and school districts.

This bill would establish the School Business Personnel Staff Development Training Program to establish a 5-year in-service training program for the school business officials for offices of county superintendents of schools and school districts

This bill would state legislative findings that the department, in consultation with representatives of school districts, offices of county superintendents of schools, financial management firms, public accounting firms, and other appropriate state agencies, has developed a state financial reporting system applicable to each office of the county superintendent of schools and each school district

This bill would require the department, with the assistance of the Controller and private financial management and auditing firms, to design and implement a system to review and assess, for purposes of establishing a training schedule, the capacity of each office of the county superintendent of schools to implement the state financial reporting

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system developed and conducted by the department under the provisions of this bill, as prescribed. This bill would require the department, to the extent funds are appropriated for this purpose, to conduct a school business personnel staff development and training program focusing on building the skill levels necessary for school district and county office business personnel to carry out routine business operations and to provide ongoing support to ensure that financial managers and their employees are able to keep pace with the continuing changes in school finance and financial management

This bill would require the department to also make the program available to other agencies and organizations capable of utilizing the program to ensure that school district governing board members and school superintendents clearly understand the key elements and concepts of school finance and financial management, to ensure that their responsibilities relating to the financial management of schools are clearly defined.

This bill would require the department to ensure that the program complements and supplements the changes implemented by the department's model financial reporting system.

This bill would require the department to take such steps as are necessary, including contracting with private financial management and accounting firms and other appropriate organizations, to provide training programs This bill would require the program to be designed to ensure that participants receive up to one week of in-service training.

This bill would require the department to submit a letter on behalf of each person who has completed the program to the county superintendent of schools or school district governing board in the school district in which he or she is employed

This bill would require the department, to the extent funds are appropriated for this purpose, to conduct the training program as a pilot program during the 1986–87 fiscal year, and would require the program to be conducted in conjunction with the testing of the department's model financial reporting system, as prescribed.

This bill would require the department, the Controller, and the Department of Finance to evaluate the pilot program on or before October 1, 1987, for purposes of determining whether the program is capable of being implemented on a statewide basis. This bill would require the program to be implemented statewide for the period beginning July 1, 1988, and continuing through July 1, 1991, if it has been determined that the pilot program can be implemented statewide. This bill would authorize the department to phase in the statewide implementation of the program, so long as the department ensures that each school district and county office requiring that training is provided an opportunity to participate in the program on or before July 1, 1991

This bill would authorize the Superintendent of Public Instruction, for purposes of testing the department's model financial reporting system, to waive the requirements of current law and regulations which are in conflict with the model financial reporting system. This bill would specify that these waivers shall only be applicable to school districts and county offices participating in the testing and development of the model financial reporting system which is a part of the school business personnel staff development and training program during the 1985–86 and 1986–87 fiscal years.

(2) This bill would state the legislative intent that the State Department of Education shall provide that from funds appropriated for administrator training and evaluation programs under specified provisions of the Budget Act of 1985, the sum of $250,000 shall be used for purposes of implementing school business personnel staff development training programs under this bill, as specified This bill would also state the legislative intent that amounts at least equivalent to this amount shall be made available for these purposes in the 1986–87, 1987–88, 1988–89, and 1989–90 fiscal years

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

Ch 1150 (SB 105) Alquist. Radioactive waste regulation.

(1) Existing law authorizes the State Department of Health Services to issue specific licenses for the use of byproduct materials and, for this purpose, defines "low-level waste" as any radioactive waste except high-level radioactive waste and transuranic waste.

This bill would redefine "low-level waste" to also exclude spent nuclear fuel and certain byproduct materials, as defined. The bill would also define "federal research and development" for these purposes

(2) Existing law requires the department to adopt emergency regulations for the

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licensing of persons engaged in the land disposal of low-level radioactive waste and for implementing those provisions concerning the control of radioactive materials.

This bill would revise that requirement to instead require the department to adopt these emergency regulations for the licensing of persons engaged in the land disposal of low-level radioactive waste and to implement specific provisions relating to the licensing and establishment of low-level radioactive waste disposal facilities.

Ch. 1151 (AB 1180) Hayden Discrimination in employment religion

Existing law makes it an unlawful employment practice under the California Fair Employment and Housing Act (FEHA) for an employer to discriminate in employment because of the religious creed, among other things, of any person, unless based upon a bona fide occupational qualification or based upon applicable security regulations

This bill would, in addition, make it an unlawful employment practice under the FEHA for an employer to discriminate in employment against a person because of a conflict between the person's religious belief or observance, as defined, and any employment requirement, unless the employer demonstrates that it has explored any available reasonable alternative means of accommodating the religious observance, but is unable to reasonably accommodate the religious belief or observance without undue hardship on the conduct of the business of the employer

This bill would impose a state-mandated local program by requiring local public agencies to explore any available reasonable alternative means of accommodating the religious observances of employees and to release employees from work for observance such as a Sabbath or other holy day in circumstances where the employer would not have to release the employee under existing law

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 1152 (AB 1393) D. Brown. Sales and use tax exemptions affidavits.

The existing California Sales and Use Tax Law exempts from the taxes imposed by that law specified trucks, truck tractors, semitrailers, and trailers purchased for use without this state if the purchaser furnishes specified documents to the manufacturer or remanufacturer, including an affidavit attesting to specified facts

This bill would require the State Board of Equalization to prepare and distribute a standard form or forms for this affidavit

Ch 1153 (AB 1629) N. Waters. Sales and use tax exemptions. youth organizations.

The existing California Sales and Use Tax Law exempts from the tax imposed by that law food products and nonalcoholic beverages sold by any nonprofit youth organization that conducts a supervised program of competitive sports, as specified

This bill would, instead, exempt food products, nonalcoholic beverages, and other tangible personal property which are sold on an irregular or intermittent basis by any nonprofit organization, youth group sponsored by a school district, or other organization the primary purpose of which is to provide a supervised program for youth or to promote good citizenship in youth, as specified, and which are made or produced by members of the organization It would expressly limit the exemption to specified organizations.

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 there is no reimbursement or appropriation to local agencies pursuant to the bill because the revenue losses are minor and will not cause any financial burden to local government

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

Ch. 1154 (SB 1446) Watson. State civil service: discrimination in employment.

Existing law requires the State Personnel Board to render a decision in regard to an appeal by a state civil service employee within 6 months after the filing of the petition.

This bill would provide that, in cases involving complaints of discrimination, harassment, or retaliation, where the executive officer of the board renders a decision, the decision shall be rendered within 4 months after the filing of the petition by the employee

Existing law provides that state civil service employees may file complaints of discrimination in employment with the board, and that other employees may file complaints of discrimination in employment with the Department of Fair Employment and Housing.

Existing law provides that all hearings and investigations under the State Civil Service Act shall be governed by that act and by the rules of practice and procedure adopted by the board.

This bill would provide that during the investigation or hearing of a complaint of discrimination, harassment, or retaliation of a state employee, the board hearing officer, the departmental hearing officer, the board investigator, or the departmental investigator shall give due consideration to current laws and decisions applicable to the state civil service in arriving at a recommended decision, and would require that the recommended decisions of the hearing officer and the board shall include references to those laws and decisions applied.

Existing law permits any person with the consent of the board or the appointing power to file charges against an employee requesting that adverse action be taken for one or more of specified causes for discipline

This bill would, in addition, provide that this provision shall not be construed to supersede a specified provision making it a misdemeanor to discriminate in employment against a state employee on the basis of specified factors

This bill would also require the board to provide annual reports to the Legislature concerning the number and types of formal discrimination complaints and appeals against each appointing authority, to hold hearings at least once every 3 years to assess the effectiveness, accessibility, and fairness of the state discrimination complaint process, and to report to the Legislature on the outcome of these hearings within 90 days after the hearing

Ch. 1155 (AB 2478) Alatorre. Aid to Families with Dependent Children group home rates.

Under existing law, for the purpose of reimbursing group homes or public child care institutions for the care of children placed with them, a rate is required to be established based on actual allowable costs

This bill would require the State Department of Social Services to make available to all group care providers, in writing, no later than July 1, 1986, its standards currently in use to determine which costs are "reasonable"

Ch. 1156 (SB 587) B Greene. Workers' compensation: physicians.

Existing law defines a physician, for purposes of the workers' compensation law, to include physicians and surgeons and osteopathic practitioners, among others, licensed by California law and within the scope of their practices

This bill would delete reference to osteopathic practitioners from this definition, and would include physicians and surgeons holding an M D. degree or a D O. degree within this definition

This bill would also provide that treatment provided under the workers' compensation law includes the services of licensed marriage, family, and child counselors and clinical social workers if referred by a licensed physician and surgeon, with the approval of the employer.

Existing law provides that an employee, for purposes of workers' compensation, includes all working members of a partnership receiving wages irrespective of profits, but if the working members of the partnership are general partners, workers' compensation

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coverage is provided only if a specified election is made.

This bill would provide that if a private corporation is a general partner, the corporation and the officers and directors of the corporation, if they are the sole shareholders of the corporation, shall be provided workers' compensation only if the specified election is made.

Existing law provides for the payment of workers' compensation benefits from the Asbestos Workers' Account under specified conditions until December 31, 1985.

This bill would extend the December 31, 1985, repeal of this authorization to January 1, 1989.

Ch 1157 (AB 451) Alatorre Harness racing.

Existing law authorizes the California Horse Racing Board to allocate racing weeks, except that the maximum number of racing weeks which may be allocated is prescribed. A maximum of 10 weeks per year may be allocated for harness racing in the central zone and 15 weeks per year may be allocated for harness racing in the southern zone Existing law also provides for the allocation of a maximum of 25 weeks per year for quarter horse racing in the southern zone and does not specify a maximum number of weeks for quarter horse racing in the central zone.

This bill would instead provide that 25 weeks per year may be allocated for harness racing in the combined central and southern zones. The bill would also provide that 30 weeks per year may be allocated for quarter horse racing in the combined central and southern zones.

This bill would also authorize the board to allocate up to 10 additional weeks of harness racing to the Los Angeles County Fair, or its lessee, to be raced at the fairgrounds in Pomona.

The bill would incorporate additional changes in Section 19531 of the Business and Professions Code made by AB 777 and SB 1005 only if either or both bills are enacted and this bill is enacted last.

Ch. 1158 (SB 1213) Hart Education.

Existing law specifies that no pupil shall receive a diploma of graduation from high school who, while in grades 9 through 12, has not completed prescribed courses.

This bill would specify that, as of the 1988–89 school year, high school graduation requirements include a one-semester course in American government and civics, and a one-semester course in economics

This bill would make various legislative findings pertaining to that requirement and the ability of high school social studies teachers to provide the necessary instruction. The bill would express the Legislature's intent to increase the educational opportunities in economics for teachers and students by providing funding to support the Centers for Economic Education.

This bill would require the Trustees of the California State University to report to the Legislature regarding the success of the Centers for Economic Education program by January 1, 1987.

This bill would appropriate $150,000 to the Trustees of the California State University for the period commencing January 1, 1986, and ending June 30, 1986, for purposes of augmenting funding to the Centers for Economic Education The bill would provide that funds allocated to the centers pursuant to this bill shall supplement, and shall not supplant, existing funding for the efforts of these centers to provide teacher training or educational services in economics to public schools

Ch. 1159 (AB 57) Bradley Elderly and dependent adults: emergency shelters

Existing law contains provisions for various programs to assist elderly persons and dependent adults.

This bill would provide that the State Department of Social Services shall develop a program for the establishment of emergency and temporary shelters for elderly and dependent adult victims of abuse, neglect, or abandonment

The bill would further provide that counseling services shall be provided at these shelters.

The bill would set forth requirements to be met by the State Department of Social Services and by pilot projects providing services under the program.

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The bill would provide that the program would be implemented in a minimum of 6 consenting counties

This bill would permit a county to contract with nonprofit organizations and private sector entities pursuant to established bidding procedures for the rendering of services under the pilot project established in that county.

The bill would require the State Department of Social Services to submit to the Governor and the Legislature, by January 1, 1988, a report evaluating the effectiveness of the program provided for in the bill, including recommendations as to its extension beyond January 1, 1989

The bill provides that its provisions shall remain in effect only until January 1, 1989, and as of that date would be repealed, unless a later enacted statute chaptered prior to that date extends or deletes that date

The bill would appropriate the sum of $560,000 over a 3-fiscal-year period, as specified, from the General Fund to the State Department of Social Services in order to implement the bill.

Ch 1160 (SB 910) Ellis Toll bridges: San Diego-Coronado Bridge

Under the California Toll Bridge Authority Act, the California Transportation Commission is required to fix the rates of tolls for state toll bridges, including the San Diego-Coronado Bridge

This bill would prohibit a toll from being collected from any person crossing the bridge after the bonds issued to construct the bridge have been retired, except for bridge operation, maintenance, rehabilitation, and improvement, and to fund a study conducted by the Department of Transportation of transportation improvements and programs to alleviate bridge-related transportation problems. The bill would require the department to submit its recommendations to the commission not later than July 1, 1986. The bill would also require the commission, not later than January 1, 1987, to consider input from a public hearing and the study recommendations and determine whether or not to make any revision that may be necessary in the bridge toll rates

Ch. 1161 (AB 1353) Bronzan Medi-Cal long-term health care facility residents.

Existing law provides for the State Supplementary Program, which is governed and funded pursuant to provisions of state and federal law This program provides cash assistance to qualified aged, blind, and disabled persons

Existing law further provides that recipients under this program are eligible for the Medi-Cal program

Existing law further provides that, under the State Supplementary Program, the amount of $25 per month shall be paid to a Medi-Cal recipient receiving care in a medical facility for his or her personal and incidental needs, with this amount to be increased to $35 per month, if a higher amount is agreed upon by the Secretary of the United States Department of Health and Human Services.

This bill would eliminate the provision concerning the increased amount to be provided when agreed to by the Secretary of the United States Department of Health and Human Services

The bill would instead provide that the State Department of Social Services shall issue, or arrange for the issuance from the appropriate state agency of, an additional $10 each month to each Medi-Cal recipient receiving care in a medical facility who is eligible for the personal and incidental needs allowance provided for in the state supplementary program.

Existing provisions of the Welfare and Institutions Code continuously appropriate moneys in the General Fund for purposes of aid grant costs under the state supplementary program Because this bill would increase the amounts payable to certain state supplementary program recipients, it would constitute an appropriation.

This bill would take effect immediately as an urgency statute

Ch. 1162 (SB 561) Ellis Foreign commercial vehicles

(1) Existing law requires any owner or lessor of a commercial vehicle, which has primary registration and license plates from another jurisdiction not granting reciprocal privileges to California owners of commercial vehicles, which is over 7,000 pounds unladen weight, and which is used for the transportation of property in the conduct of

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a business, to submit to the Department of Motor Vehicles proof of ability to respond in damages issued by an insurance company authorized to do business in California when the owner or lessor applies for registration of the commercial vehicle in this state.

Federal law, commencing May 1, 1985, requires foreign motor carriers, as defined, and foreign motor private carriers, as defined, which are domiciled in any contiguous foreign country, to be registered with the Interstate Commerce Commission, as specified. Federal law requires proof of financial responsibility for issuance of the certificate of registration

This bill would permit a carrier to meet the requirement of proof of ability to respond in damages by submitting either a certificate of registration as a foreign motor carrier or foreign private motor carrier issued by the Interstate Commerce Commission or contractual documents showing to the satisfaction of the Department of Motor Vehicles that a trailer or semitrailer subject to this federal regulation will be towed by a truck or truck tractor operated by a motor carrier having operating authority issued by the Public Utilities Commission.

The bill would also prohibit any foreign motor carrier or foreign motor private carrier, as defined in federal law and subject to federal registration, from operating in this state without the required certificate, from operating beyond the limitations or restrictions specified in the certificate, or from refusing to show the certificate to a peace officer upon request

A violation of the bill would be an infraction under other provisions of existing law, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1163 (SB 129) Mello Adult protection services

Existing law contains various programs related to assisting elderly persons, including victims of abuse

Existing law also provides that counties shall utilize specified funds to provide, among other services, adult protective services.

This bill would provide that the State Department of Social Services shall select at least 5 county adult protective service agencies, with the consent of each county, to operate model projects which may provide various types of adult protective services, as defined At least one rural county would be selected, and model projects would be established in both the northern and southern parts of the state. County welfare departments or county welfare departments in consortium with local public or private elder and dependent adult abuse prevention programs with demonstrated expertise in providing services to victims of abuse, their families and abusers, may apply for model project funding.

The bill also sets forth various criteria for designing adult protective services model projects.

This bill would provide that the State Department of Social Services shall consult with the Department of Aging and county representatives in designing pilot project criteria and in selecting pilot project counties.

The bill would require counties applying for funding to submit proposals which contain, at a minimum, specified items

The bill would impose various requirements upon model project counties, including a 20% matching requirement for state funds received under the program.

The bill would require the State Department of Social Services to submit a report to the Legislature on the effectiveness of these pilot projects by December 31, 1987, with the program to be evaluated pursuant to specified criteria.

The bill would appropriate $1,000,000 to the State Department of Social Services for allocation to model projects, with not more than 10% of these funds to be used for the department's administrative costs. Expenditure of these funds would be precluded until the adoption by the department of standards to be met by grantees.

The bill would provide that its provisions shall remain in effect only until July 1, 1988, and as of that date are repealed, unless a later enacted statute which is chaptered prior

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to that date extends or deletes that date

Ch. 1164 (AB 238) Papan Dependent adult abuse reporting

Existing law contains various provisions relating to reporting, and the receipt of reports, of abuse of dependent adults, as defined. These provisions would be repealed on January 1, 1986.

This bill would instead provide that these provisions would be repealed on January 1, 1990

Existing law provides that any person witnessing or suspecting that a dependent adult is the subject of abuse may report the suspected case to the county adult protective services agency, and provides immunity from civil or criminal liability arising therefrom. It also authorizes the county board of supervisors to designate a voluntary private nonprofit agency to receive reports of elderly and dependent adult abuse It requires each county adult protective agency to maintain an inventory of agencies available to assist abuse victims

This bill would repeal certain of these provisions. It would instead require any care custodian, health practitioner, or employee of an adult protective services agency or a local law enforcement agency, under specified circumstances to report a known or suspected instance of physical abuse of a dependent adult to an adult protective agency It would authorize any other person, under specified circumstances, as well as, insofar as other types of abuse are concerned, those persons required to report instances of physical abuse, to report the known or suspected instance of abuse to an adult protective services agency or a local law enforcement agency

This bill would require any person who enters into employment on and after January 1, 1986, as a care custodian, health practitioner, or with an adult protective services agency or a local law enforcement agency, and any person who was employed prior to January 1, 1986, and continues to be employed after January 1, 1986, as a care custodian, health practitioner, or with an adult protective services agency or a local law enforcement agency, as a condition of continued employment, to sign a specified statement to the effect that he or she has knowledge of, and will comply with, specified provisions of this bill

This bill would make the reporting of cases of dependent adult abuse confidential It would impose a state-mandated local program by making a violation of the confidentiality a misdemeanor It would authorize disclosure of reports of dependent adult abuse to specified persons or agencies

This bill would provide that no care custodian, health practitioner, or employee of an adult protective agency who reports a case of dependent adult abuse shall be civilly or criminally liable for any such report It would provide similar immunity for any other person reporting a case of dependent adult abuse except if a false report was filed with the knowledge that it was false

This bill would authorize a care custodian, health practitioner, or an employee of an adult protective agency to present a claim to the State Board of Control for reasonable attorneys' fees incurred in any action against that person on the basis of making a report required or authorized by this bill.

The bill would also redefine various terms related to the reporting of dependent adult abuse.

This bill would impose a state-mandated local program by imposing misdemeanor penalties upon any person who fails to report an instance of dependent adult abuse which he or she knows, or reasonably should know, to exist, by requiring local agencies to receive required reports of adult abuse, and by extending the dependent adult abuse provisions up to January 1, 1990.

The bill would provide that neither the physician-patient privilege nor the psychotherapist-patient privilege applies to the information reported in any court proceeding or administrative hearing.

The bill would require both the State Department of Social Services, in consultation with specified entities, and the Department of Justice, in consultation with specified entities, to prepare minimum guidelines on specified matters relating to investigation of dependent adult abuse reports. Both agencies would be required to submit reports to the Joint Legislative Budget Committee by January 1, 1988, on the fiscal and programmatic impact of guidelines adopted by each agency The California Constitution requires

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the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would take effect immediately as an urgency statute.

Ch 1165 (AB 109) Peace. Community care facilities· foster family homes

Under the California Community Care Facilities Act, the State Department of Social Services is required to give advance notice prior to inspection of foster family homes which are considered private residences, except in response to a complaint

This bill would except from this requirement of advanced notice any one inspection made within 120 days prior to license renewal. This bill would also require the inspection visits to be made during normal business hours, as defined, with certain exceptions

Ch. 1166 (SB 859) Torres. Milk products. safety.

(1) Under existing law, the Director of Food and Agriculture is authorized to enter and inspect any milk products plant

This bill would require the director to require inspections at least quarterly of all milk products plants that pasteurize milk or milk products, manufacture cheese, or manufacture raw milk cheese, the inspection procedures to include specified inspections, testing, and sampling, and inspection findings to be submitted in writing to the director

(2) Under existing law, any apparatus used for the pasteurization of milk or milk products is required to be kept in strictly clean and sanitary condition

This bill would require any person using pasteurizing apparatus for the manufacture of soft cheese, as specified, to sample and test the pasteurized milk daily for phosphatase enzymes, require records to be kept for at least one year and to be opened to inspection by the director and other specified public officers, and require immediate notification of the Department of Food and Agriculture of a positive finding of phosphatase enzymes. The bill would require persons who use pasteurizing equipment to maintain specified records, make the records available for inspection, and would make various other related changes in present recordkeeping requirements

The bill would impose a state-mandated local program since a violation of any of the above requirements would be a misdemeanor The bill would further impose a state-mandated local program by prohibiting, as a felony, punishable as prescribed, the intentional processing of specified milk or milk products without pasteurization, the manufacturing or processing or providing for that purpose of milk for resale in violation of license requirements, and the falsifying of specified records

(3) Under existing law, the distribution of milk from the households of specified persons with a suspected case of specified disease is prohibited, unless otherwise authorized by a city or county health officer

This bill would require the director to require physical examinations of dairy farm or milk plant employees where there is reasonable cause to suspect that an employee may be infected with a milk-borne disease and would require the State Department of Health Services to establish a list of reportable diseases transmitted by food products

(4) Under existing law, the director is authorized to condemn milk or cream found, among other things, to be impure or produced in an unsanitary place

This bill would require the State Department of Health Services to cooperate with the Department of Food and Agriculture in the inspection of any milk products plants associated with reportable diseases, as specified in (3) above, and would require the Department of Food and Agriculture to consult with the state department prior to condemning any contaminated milk or milk products

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch. 1167 (AB 2185) M. Waters. Hazardous materials release response plans: inventory.

(1) Existing law provides for governmental response to releases or threatened releases of hazardous substances.

This bill would require every county to implement its provisions through a designated administering agency, except that a city could assume that responsibility within the boundary of the city, thereby imposing a state-mandated local program.

The bill would require any business, as defined, which handles a hazardous material, as defined, and is located within an implementing county or city, to establish a specified business plan by September 1, 1986, in accordance with standards adopted by the Office of Emergency Services, for emergency response to a release or threatened release of the hazardous material A handler would be required to report certain releases or threatened releases, as specified.

The bill would also require the administering agency to establish an area plan for emergency response, as prescribed.

The bill would require any business which handles a hazardous material to annually submit a specified inventory to the administering agency, which information would be included in any business plan, and would provide for trade secret protection

The bill would prescribe criminal penalties for violations of the above provisions, thereby imposing a state-mandated local program, authorize assessing the violator the cost of the emergency response and cleanup, require an implementing county or city to seek an injunction or restraining order to enjoin violations or threatened violations or an order directing compliance, and provide for the payment of rewards to informants under regulations adopted by the State Department of Health Services.

An implementing county or city would be authorized, upon vote of its governing body, to levy and collect fees to pay for certain costs incurred in carrying out these provisions

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement is required for specified reasons

Ch 1168 (AB 1096) Cortese. Public finance allocation to special districts

Existing law relating to the allocation of property tax revenues to special districts requires each county auditor to notify each governing body, as defined, of a special district of the amount to be allocated to it from the Special District Augmentation Fund, a fund which is required to be created in each county to augment the revenues of special districts This notification is required to be made on or before September 30 of each year.

This bill would impose a state-mandated local program by requiring the board of supervisors and the city council, where applicable, to notify each special district on or before June 1 of each year of the estimated amount of funds in the Special District Augmentation Fund available to special districts in the coming fiscal year

Existing law permits the governing body, as defined, of a special district to allocate to a special account in the general fund an amount not to exceed 1% of the Special District Augmentation Fund to pay only the costs of, among other things, expenses incurred by special districts in the event of an emergency, as defined by a specific statutory provision Existing law permits a county, pursuant to a resolution of the board of supervisors, to loan available funds to a special district to enable the district to perform its obligations.

This bill would modify the definition of "emergency." This bill would also permit the governing body to make expenditures from the special account to establish a Special District Augmentation Fund loan program for the purposes of making loans to special districts under terms and conditions, and in amounts specified by the governing body. This bill would provide in this connection that the board of supervisors may make loans to special districts pursuant to certain provisions

The bill would also provide that proceedings for district formation under the Fire Protection District Law of 1961 require review and approval of the local area formation

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commission and would state that this is declaratory of existing law.

Existing law provides for an allocation of $21,800,000 by the Controller in the form of loans to special districts for shortfalls in funding received through supplemental roll property tax revenues during the 1984–85 fiscal year It provides for the method of allocation and the source of repayment of these loans.

This bill would provide that these loans shall be made interest free, would prescribe the conditions for loan eligibility, would provide that these loans be made upon application by each eligible special district, as specified, would permit the Controller to require repayment of these loans by each county auditor on behalf of all borrowing special districts in the county, and would provide for the auditor's recovery of administrative costs in making repayment.

The bill would state legislative findings and declarations concerning financing of special districts.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

This bill would take effect immediately as an urgency statute.

Ch. 1169 (SB 990) Montoya. Physicians and surgeons.

Existing law requires the Division of Licensing of the Board of Medical Quality Assurance to admit every applicant to the examination who complies with the requirements provided for certification as a physician and surgeon.

This bill would authorize the division to approve an applicant who has graduated from a special medical school program, as specified, and would authorize the division to require the applicant to take additional courses as a condition of issuing a license.

This bill would provide that an applicant who is a graduate of a special medical school program, as specified, shall be presumed to have met certain educational requirements unless the division makes a finding that the medical education is not equivalent to that received by other medical graduates.

Ch. 1170 (SB 1326) Montoya Physicians and surgeons.

Existing law sets forth licensure requirements for persons who received medical training in a foreign country and for persons who hold a license to practice medicine issued by another state.

This bill would (1) provide that a foreign medical graduate is not prohibited from engaging in the practice of medicine as part of a clinical service under specified conditions; (2) revise the provisions on licensure requirements for persons who hold a license to practice medicine issued by another state, as specified; and (3) authorize the Board of Medical Quality Assurance to fix a fee for the approval of postgraduate training for clinical service programs, as specified, which fee is required, under existing law, to be deposited in the Contingent Fund of the Board of Medical Quality Assurance.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Contingent Fund of the Board of Medical Quality Assurance. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 1171 (SB 162) Marks. Public finance

Under existing law, there is a Special District Augmentation Fund in each county which is used to augment the revenues of special districts. Existing law does not expressly provide that any interest which accrues to the fund be considered part of the fund

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and not be allocated or distributed in any way to the general fund of the governing body allocating the revenues in the fund.

This bill would so provide.

Existing law requires the Controller to summon county auditors to meet with the Controller at least once each year for the purpose of discussing specified financial matters.

This bill would specify allocation of property tax revenues, including the Special District Augmentation Fund, as a matter to be discussed

Existing law requires a governing body, as defined, to send written notice of a public hearing determining distribution of funds in the Special District Augmentation Fund to the legislative body of each special district which is not governed by the board of supervisors or the city council specifying the amount of funds available to special districts, and the time and place of the hearing.

This bill would impose a state-mandated local program by revising the required contents of the notice, and by requiring an additional notice to be sent, as specified.

Existing law requires the governing body to determine the amount of funds to be disbursed from the Special District Augmentation Fund to each special district based on specified factors.

This bill would impose a state-mandated local program by revising those factors and by changing the procedures for the allocation and disbursement of the funds.

Existing law permits the governing body to allocate a percentage of the amount of the Special District Augmentation Fund to a special account in its general fund for specified purposes.

This bill would revise these amounts.

This bill would incorporate amendments to Section 98 6 of the Revenue and Taxation Code which are proposed by AB 1096, if both bills are chaptered and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1172 (SB 301) Lockyer Witnesses: minors' sex offenses [4]

(1) Existing law provides that prosecution for an offense not punishable by death or imprisonment in the state prison shall be commenced within one year after commission of the offense.

This bill would provide that prosecution for a misdemeanor offense of vagrancy, committed with or upon a minor under the age of 11, may be commenced within 2 years after commission of the offense.

(2) Existing law authorizes a preliminary examination in a criminal action involving child abuse or a sex offense to be closed to the public during the testimony of the complaining witness if testifying before the general public would likely cause serious psychological harm to the witness and no alternative procedures are available

This bill would provide that in specified criminal proceedings involving sex offenses committed with or upon a minor under the age of 11, the witness may be allowed reasonable periods of relief, and the judge may remove his or her robe.

(3) The bill would appropriate $160,000 to the Judicial Council for specified purposes relating to judicial education

Ch. 1173 (AB 2543) Farr California International Studies Project. [5]

Existing law makes no provision for a training program for teachers in the public schools of this state specifically in the subject area of international studies

This bill would direct the Superintendent of Public Instruction, no later than 75 days after the enactment of the bill, to contract with a specified public or private institution of higher education to administer a program of international studies resource centers, beginning with 6 in the 1985–86 fiscal year, to train teachers in international studies as

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specified. The centers would be operated throughout the state by nonprofit agencies or by 4-year colleges or universities.

This bill would provide that the administering institution would be assisted by an advisory committee having specified membership This bill would also provide for annual evaluation of the resource centers and would require that local and private support for each center equal or exceed 50% of state funding in any fiscal year.

This bill would appropriate $500,000 to the Superintendent of Public Instruction for the 1985–86 fiscal year for purposes of these contract services, including $25,000 for initial organizational costs incurred by the State Department of Education This bill would also declare the legislative intent that the program be expanded to operate 18 resource centers in the 1987–88 fiscal year, as specified.

This bill would take effect immediately as an urgency statute

Ch. 1174 (AB 32) Mojonnier. Child witnesses.

Existing law does not specify actions which may be taken by the courts to lessen the trauma of the trial process for child witnesses who are under 11 years of age Existing law does require every judge of a court in this state to wear a judicial robe while in open court during the presentation of causes before the court.

This bill would provide that in any criminal proceeding in which the defendant is charged with committing specified crimes involving a minor under the age of 11, the court shall take special precautions to lessen the trauma of the trial process for child witnesses who are under 11 years of age, including, but not limited to, that of forgoing the wearing of judicial robes. The bill would also set forth legislative findings and declarations on the subject.

Ch. 1175 (AB 1301) Vasconcellos Payment of claims [6]

This bill would appropriate $20,851,761 from the General Fund to the Controller, as specified, for the payment of claims for reimbursement of state-mandated costs incurred pursuant to various specified provisions of law.

The bill would also require the Commission on State Mandates to amend, as specified, the parameters and guidelines for the reimbursement of claims under 2 specified statutes.

The bill would further find and declare that specified sections of the California Administrative Code do not impose a state-mandated local program.

The bill would take effect immediately as an urgency statute

Ch. 1176 (AB 1859) Davis. Physicians and surgeons.

(1) Existing law authorizes the Division of Licensing of the Board of Medical Quality Assurance to disapprove a foreign medical school if, in the opinion of the division, the professional instruction provided by the medical school or the instruction received by an applicant is not equivalent to that required by the Medical Practice Act The law does not require the division to visit foreign countries for the purpose of approving foreign medical schools.

This bill would require the division (a) to conduct site visits to inspect specified medical school accreditation systems as well as individual schools of 3 countries on 3 different continents for the purpose of developing a program for approving foreign medical schools, (b) to work with the Commission of the Federation of State Medical Boards to develop a factfinding capability for foreign medical schools so an ongoing program for approving foreign medical schools can be established, (c) to report to the Legislature on or before December 31, 1987, on its site visit findings and the results of its factfinding activities with the commission, and (d) to report to the Legislature on the suitability of the individual schools and accreditation processes and to outline future steps needed to grant approval to those schools and processes

(2) Existing law authorizes a graduate of an approved medical school who is enrolled in an approved postgraduate program to engage in the practice of medicine under specified conditions

This bill would authorize graduates of foreign medical schools to engage in the practice of medicine as a part of an approved clinical service program under specified

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conditions.

(3) Existing law requires the Division of Licensing of the Board of Medical Quality Assurance to approve every school of medicine which complies with the provisions of the Medical Practice Act and to admit every applicant to the examination who complies with the requirements provided for certification as a physician and surgeon.

This bill authorizes the division to approve every school which substantially complies with those provisions, deletes the requirement that every applicant who complies with those requirements be admitted to the examination, and would provide that graduates of an approved school shall be deemed to meet specified curriculum requirements.

The bill would authorize the division to approve an applicant who has graduated from a special medical school program, as specified, and authorizes the division to require the applicant to take additional courses as a condition of issuing a license.

(4) Existing law specified the curriculum requirements for licensure as a physician and surgeon.

This bill would revise those requirements by providing that 32 months of actual instruction is equivalent to 4 academic years, and authorizing the curriculum to be acquired in a medical school located outside the United States or Canada. If an applicant has matriculated in more than one medical school, the applicant would be required to have matriculated in the medical school awarding the degree of doctor of medicine for at least the last full academic year.

The bill would provide that instruction in specified subjects shall be considered adequate if prescribed requirements relating to the instruction are met.

(5) Existing law requires any person applying for licensure as a physician and surgeon who has acquired his or her professional instruction in a country other than the United States or Canada, to, among other things, complete one of several specified hospital services and pass a specified written examination and an oral and comprehensive clinical examination.

This bill would require those applicants who apply on or after June 1, 1986, to be certified by the Educational Commission for Foreign Medical Graduates or its equivalent. The bill would specify that this certification is a prerequisite to taking the specified written examination and an oral examination, and that passage of the portion of the specified written examination relating to basic and clinical science is a prerequisite to commencing any clinical service in a hospital in this state.

The bill would replace the hospital service requirement with a requirement that the applicant complete one year of postgraduate training in an approved postgraduate training program held in the United States or Canada.

(6) Existing law does not authorize the Division of Licensing of the Board of Medical Quality Assurance to waive the written examination requirement for licensure as a physician and surgeon for persons who are foreign medical graduates and are offered faculty positions in a medical school or for physicians who have full-time faculty appointments in California medical schools. Existing law does authorize the issuance of a certificate of registration to engage in the practice of medicine to the extent that the practice is a part of his or her duties in a medical school.

This bill would authorize the division to waive the written examination for those physicians.

(7) Existing law exempts an applicant for a physician's and surgeon's certificate who has been licensed and has practiced medicine in another state or country for 14 years from portions of the written examination required for licensure.

This bill would delete that exemption on January 1, 1987, and would limit the exemption, until that time, to specified applicants.

(8) Existing law provides for the issuance of a physician's and surgeon's certificate and reciprocity without examination or upon the taking and passing of an oral and clinical examination.

This bill would substantially revise the requirements for the issuance of a reciprocity certificate and would require, among other things, that applicants take and pass a written examination recognized to be equivalent to that administered in this state and to require all those applicants to pass an oral examination. The bill would make related changes.

(9) Existing law authorizes the written examination for a physician's and surgeon's certificate to be taken in parts if the examination is divided in parts.

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This bill would delete that provision effective January 1, 1987, and would provide that applicants who apply for licensure on and after January 1, 1986, may elect only to take the basic and clinical science part of the examination separately from the clinical competency part of the examination and would require a passing score of 75 of each part

(10) Existing law authorizes an applicant for a physician's and surgeon's certificate who fails the examination to be reexamined in the entire examination or in the parts failed. Existing law does not limit the period of waiting time to retake the examination.

This bill would provide that an applicant who fails the examination shall not be eligible for reexamination until the applicant presents evidence that he or she has completed additional medical instruction, as specified.

(11) Existing law specifies the fees which may be assessed by the Board of Medical Quality Assurance relating to the issuance of a physician's and surgeon's certificate. Existing law specifies an examination fee but does not specify the fee for reexamination, and the law does not provide a fee for the approval of training programs.

This bill would specifically authorize the board to charge an examination fee for reexamination in an amount not to exceed $100 and would provide a fee for the approval of postgraduate training for clinical service programs.

(12) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Contingent Fund of the Board of Medical Quality Assurance. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 1177 (SB 555) Montoya Physicians and surgeons: requirements for licensure.

Existing law requires any person applying for licensure as a physician and surgeon who has acquired his or her professional instruction in a country other than the United States or Canada, to, among other things, complete one of several specified hospital services and pass a specified written examination and an oral and comprehensive clinical examination Existing law provides that if the written examination is divided into parts, the applicant may take any part or parts of the examination at one examination and complete the examination on the following examination date.

This bill would require those applicants who apply on or after June 1, 1986, to be certified by the Educational Commission for Foreign Medical Graduates or its equivalent The bill would specify that this certification is a prerequisite to taking the specified written examination and an oral examination, and that making application to the Division of Licensing of the Board of Medical Quality Assurance and passage of the portion of the specified written examination relating to basic and clinical science (Part I) is a prerequisite to commencing any clinical service in a hospital in this state. The bill would also delete the provision allowing an applicant to take the specified written examination in parts

The bill would replace the hospital service requirement with a requirement that the applicant complete one year of postgraduate training in an approved postgraduate training program held in the United States or Canada.

This bill would take effect immediately as an urgency statute.

Ch. 1178 (SB 991) Montoya Foreign medical graduates.

Existing law requires the Division of Licensing of the Board of Medical Quality Assurance to approve every school of medicine which complies with the provisions of the Medical Practices Act and to admit every applicant to the examination who complies with the requirements provided for certification as a physician and surgeon.

This bill instead would authorize the division to approve every school which substantially complies with those provisions, would delete the requirement that every applicant who complies with those requirements be admitted to the examination, and would provide that graduates of an approved school shall be deemed to meet specified curriculum requirements. It also would provide that medical schools accredited by a national accrediting agency approved by the division and recognized by the United States Department of Education shall be deemed approved by the division.

Existing law specifies the curriculum requirements for licensure as a physician and surgeon.

This bill would provide that clinical instruction in specified subjects shall be considered adequate if prescribed requirements relating to the instruction are met.

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Ch. 1179 (SB 692) Keene. Property tax apportionments

Existing law requires county auditors to apportion property tax revenues among cities, counties, special districts, school districts, community college districts, and county superintendents of schools, according to a specified formula

This bill would provide that, notwithstanding any other provision of existing law, the allocation of property tax revenue in the fiscal years 1979–80 to 1983–84, inclusive, in Sonoma County, as distributed as of March 31, 1985, shall be deemed correct. This bill would impose a state-mandated local program by requiring the auditor to make adjustments for incorrect allocations in the specified fiscal years for the next distribution in accordance with the Sonoma County Auditor's Tax Distribution Report for those fiscal years, dated March 4, 1985, except that only certain of these adjustments, as specified, shall be applicable to school districts

Under existing law, maps or plats of boundaries of special districts are required to be filed with the State Board of Equalization.

This bill would provide that notwithstanding any other provision of law, the State Board of Equalization shall take any and all appropriate actions to ensure the placement of specified districts in Calaveras County on the 1985–86 tax rolls.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute.

Ch. 1180 (SB 556) Presley Airports and airport district director compensation

(1) 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, and requires 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

This bill would delete the requirement of imposition and collection of this fee

(2) Under existing law, the department has adopted noise standards governing the operation of airports in this state pursuant to an airport permit issued by the department, which are required to be based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport The department's regulations require that as of December 31, 1985, no residential community shall be exposed to more than 65 decibels, designated as the community noise equivalent level, unless a variance is granted

This bill would provide that land use conversion involving existing residential communities shall generally be considered the least desirable action for achieving compliance with the department's regulations. The bill would state that nothing in these provisions creates a private right of action in any civil litigation and that these provisions are declaratory of existing department regulations

(3) Under the California Airport District Act, each member of the board of directors of an airport district may receive compensation for attendance at meetings of the board not to exceed $50 per meeting, as fixed by the board, and not to exceed 4 meetings in any month

This bill would permit an increase in compensation to not more than $100 per meeting.

Ch 1181 (SB 677) Presley Prisons.

Under existing law, the Department of Corrections has various duties with respect to maintenance and operation of state prisons

This bill would authorize the Department of Corrections to remedy structural and physical deficiencies at the Folsom and San Quentin prisons in order to comply with specified judgments It would appropriate $1,072,000 from the General Fund to the Department of Corrections for that purpose, as specified It would also provide for the allocation of $2,861,000 of a specified appropriation to be available to the Department of Corrections for specified work at San Quentin. The bill would require the Department of Corrections to report to the Legislature by January 1, 1986

Existing law sets forth numerous acts which constitute trespass, a willful violation of

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which is a misdemeanor.

This bill would include in that listing of acts which constitute trespass, the entering upon, refusing, or failing to leave certain private property, whether or not generally open to the public after having been notified not to enter that property or after having been requested to leave, as specified This act of trespass would only apply to a person who has been convicted of a violent felony committed upon the particular private property

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch 1182 (SB 227) Robbins Communications devices for the deaf or severely hearing-impaired: legislative offices

(1) There is no provision in existing law which requires the State Capitol to contain specified communications devices for the deaf or severely hearing-impaired available for public access.

This bill would require the Joint Rules Committee to provide that in the State Capitol there be available for toll-free public access a telecommunications device, as defined, for the deaf or severely hearing-impaired

(2) Under existing law, telephone corporations provide telecommunications devices, without charge, to the deaf or severely hearing-impaired and to organizations representing these persons, pursuant to a program designed and implemented by the Public Utilities Commission.

This bill would require telephone corporations to provide these telecommunications devices to any subscriber which is an agency of state government and which the commission determines serves a significant portion of the deaf or severely hearing-impaired population, and to an office in the State Capitol selected by the Joint Rules Committee for purposes of access by the deaf or severely hearing-impaired to Members of the Legislature.

(3) The bill would become inoperative on July 1, 1987, and as of January 1, 1988, would be repealed

Ch. 1183 (SB 659) Bergeson. Political Reform Act· lobbyist· registration

Under the Political Reform Act of 1974, an individual employed or retained as a lobbyist is required to register with the Secretary of State before doing anything to influence legislative or administrative action.

This bill would renumber and revise the contents of the registration statement and would expand the registration requirement to also include lobbying firms defined as any business entity, including individual contract lobbyists, which contracts for economic consideration, as specified, to influence legislative or administrative action, and entities which have a registered lobbyist as an employee

Under the Political Reform Act, every lobbyist, entity retained to lobby, lobbyist employer, and person who expends $2,500 in a calendar quarter to influence legislative or administrative action is required to file periodic reports disclosing expenses, payments received, the name and official position of specified individuals with whom the lobbyist has engaged in an exchange of money, goods, services, or anything of value, a specific description of legislative or administrative action which the lobbyist has influenced or attempted to influence and the agencies involved, and other information required by the commission

This bill would also renumber and revise the provisions relating to these periodic reports and would require reports of lobbying firms

This bill would raise the threshold for those persons who are required to file these reports because they spend $2,500 in a calendar quarter, to $5,000, before reporting is required.

Under the Political Reform Act, lobbyists are required to report payments received from each employer or retained entity, general lobbying expenses, campaign contributions of $25 or more, and the specific bills or actions lobbied

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This bill would renumber and revise these provisions and would require that lobbyist firms report payments received from each client, activity expenses, the names of all persons who lobby on behalf of the firm, a general description of the interests of each client, contributions of $100 or more to state candidates, as specified, and activity expenses made or arranged for each lobbyist employed by the firm.

Under the Political Reform Act, retained entities are required to report payments received from each lobbyist employer, payments to each lobbyist who is part of, or employed by, the entity, activity expenses, other payments, gross compensation to specified employees, office overhead and operating expenses, bills and agency actions lobbied, and campaign contributions of $25 or more.

Under the Political Reform Act, a lobbyist employer is required to report the same information as a retained entity, except payments received from each lobbyist employer since this requirement is not relevant to these persons.

Under the Political Reform Act, a person required to file a report due to expending $2,500 or more in a calendar quarter to influence legislative or administrative action, is required to report the same information as a lobbyist employer, except payments to each lobbyist, since this requirement is not relevant to these persons

This bill would renumber and revise these provisions and would provide that lobbying firms and individuals who expend $5,000 or more in a calendar quarter, to influence legislative or administrative action, are required to report payments to lobbying firms and total payments to all lobbyists employed, activity expenses, names of all employees who lobby, a general description of lobbying interests, contributions to state candidates of $100 or more, a lump sum of other payments to influence legislative or administrative action, including specified employees' salaries

Under the Political Reform Act, individual lobbyists are selected for audits when they are new lobbyists or if they were not in substantial compliance in a prior audit or if they are part of the 25% of remaining lobbyists who are randomly selected by the commission. Lobbyist employers and retained entities may be audited, if their lobbyists are selected for audit.

This bill would provide that all new lobbying firms and lobbyist employers and those who were not in substantial compliance in a prior audit will be audited and 25% of the remaining firms and employers, on a random basis. Individual lobbyists are subject to audit, if their firms or employers are audited.

Under the Political Reform Act, lobbyists are required to keep records of activity expenses, compensation, general lobbying expenses, and contributions.

This bill would require that individual lobbyists keep records of activity expenses and contributions.

Under the Political Reform Act retained entities are required to keep records of fees received from clients, salaries, and other compensation paid to lobbyists and other specified employees, overhead, operating and activity expenses, and contributions.

This bill would instead require lobbying firms to keep, separate from their other business records, records of fees received from clients, activity expenses, and contributions.

The Political Reform Act requires that a record be kept of the names of every person present at an event at which a reportable gift is made.

This bill would instead require that a record be kept of the person receiving the gift

This bill would incorporate changes to Section 90002 of the Government Code proposed by SB 726, to be operative only if both bills are enacted and this bill is enacted last.

This bill would take effect immediately as an urgency statute.

Ch. 1184 (SB 649) Carpenter. Hazardous substances· remedial action plan.

Existing law requires the State Department of Health Services or the appropriate regional water quality control board to issue a remedial action plan for all hazardous substance release sites listed on the annual priority ranking of sites. All remedial action plans are required to be based upon specified factors, including the effect of alternative remedial action measures on groundwater resources and the cost effectiveness of alternative remedial action measures.

This bill would require the department or regional board to consider the extent to which remedial action measures are available which use treatment and would prohibit

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the selection of remedial action measures which use offsite transport and disposal of untreated substances and materials if specified technologies are available. The bill would also require the department or regional board to consider, to the extent possible, specified factors when evaluating the cost effectiveness of proposed alternative remedial action measures. The bill would also require the department or [regional]* board to consider the potential environmental impacts of alternative remedial action measures, including specified matters.

Ch. 1185 (SB 672) Watson. State buildings: child care facilities.

Existing law requires new or renovated state-owned office buildings to include adequate space to meet the child care needs of state employees under specified circumstances. Rent for nonstate-owned space is based upon the actual cost to the state.

This bill would require, instead, that the rent be based upon the actual cost to the state, the average cost of state-owned space in the area, or the statewide average cost of state-owned space, whichever is less.

Under existing law, only children of whom at least one parent or guardian is a state employee may be served in the child care facilities provided pursuant to this law.

This bill would provide, instead, that children of whom at least one parent or guardian is a state employee shall be given priority admission, over other children, to the child care facilities.

Ch 1186 (SB 716) Morgan. Retail installment sales· trailers sold with vessels.

Existing law known as the Unruh Act regulates the contents of, and any transactions, including the purchase of goods, as defined, pursuant to, a retail installment sales contract and existing law known as the Rees-Levering Motor Vehicle Sales and Finance Act regulates the contents of, and any transactions pursuant to, a conditional sales contract for the sale of a motor vehicle, as defined. The willful violation of either of these 2 acts is a misdemeanor. This bill would include a trailer designed solely for carrying vessels which is sold in conjunction with a vessel within the definition of "goods" for the purposes of the Unruh Act, unless the sales transaction is exempt, as specified. The bill would also provide that any trailer which is sold in conjunction with a vessel and which comes within the definition of "goods" under the Unruh Act shall not be included in the definition of "motor vehicle" for the purposes of the Rees-Levering Motor Vehicle Sales and Finance Act This bill, by revising the scope of regulation of these 2 acts, would revise the scope of existing crimes and would result in the mandate of a new program or higher level of service upon local government.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1187 (SB 314) Rosenthal. Juvenile court law.

Existing law provides that an order modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative, or friend shall be made only after a noticed hearing upon a supplemental petition. Such a petition must contain a statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor, except where the petition alleges a violation of a condition of probation and is for a commitment to a county juvenile institution for a period of 15 days or less.

This bill would revise the above-mentioned exception to make it applicable to a commitment of a minor who has violated a condition of probation and is for commitment to a county institution for a period of 30 days or less, or to a minor with regard to whom a less restrictive disposition has been made The bill would, however, require the court to determine and consider the effect of an extended commitment on the minor's schooling and current employment before any commitment in excess of 15 days is ordered

Ch 1188 (SB 332) Carpenter. Hearings: legal assistance.

Under existing law, in any case in which a defendant is provided legal assistance, either through the public defender or private counsel appointed by the court, the court may,

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after notice and a hearing, make a determination, before or after trial, of the present ability of the defendant to pay all or a portion of the cost for legal assistance, as specified

This bill would require the court to consider the available information concerning the defendant's ability to pay for legal assistance upon completion of the criminal proceedings or withdrawal of the public defender or appointed private counsel and the court may thereafter hold a hearing on the matter, as specified. This bill would also make the hearing discretionary with the court where the court has ordered the probation officer to investigate and report to the court, as specified.

Under existing law, the court may order the defendant to appear before a county officer to make inquiry into the ability of the defendant to pay all or a portion of the legal assistance provided by the county.

This bill would provide, instead, that, concurrent with the furnishing of court appointed counsel, the court shall order the defendant to appear before a designated county officer for inquiry into the defendant's ability to pay for all or a portion of the legal assistance provided.

This bill would also provide that the changes made by this bill would only be applicable to counties in which the board of supervisors adopts a resolution to that effect.

Ch 1189 (AB 1423) N. Waters. International trade: agricultural commodities.

Existing law does not specifically authorize the Department of Food and Agriculture to coordinate a program to encourage foreign export of this state's agricultural products

This bill would enact, until January 1, 1990, the Foreign Market Development Export Incentive Program for California Agriculture Act. The act would authorize a cooperator, as defined, to enter into a project agreement with specified information with the department under which the cooperator conducts activities pursuant to a marketing plan with specified information approved by the Director of Food and Agriculture, as specified. The marketing plan could include the proposed expenditure of cooperator contributions and state funds to finance the activities specified in the plan. The director would be required to report to the Legislature on or before December 31, 1988, on the status of the act, as specified.

The bill would appropriate $2,100,000 to the Controller for allocation to the department pursuant to specified conditions and would declare legislative intent to appropriate $5,000,000 annually for the program

The bill would also authorize the director to enter into an agreement, as prescribed, with one or more organizations representing growers, shippers, and manufacturers of agricultural commodities for research to determine methods, techniques, or criteria for agricultural commodities to qualify for entrance into foreign markets The bill would require in the agreement a 50% state funding for the research, which state funds would be available for expenditure upon appropriation therefor

Ch 1190 (AB 2091) Farr Income taxation: charitable contributions

Existing Personal Income Tax Law reduces the amount of the deduction permissible for a charitable contribution of appreciated property by the amount of gain which would have been included in taxable income if the contributed property had been sold. However, for taxable years beginning after December 31, 1979, and before January 1, 1985, this reduction does not apply to a charitable contribution of artistic property created by the personal efforts of the taxpayer if the recipient is a tax-exempt religious, charitable, scientific, or educational organization or a state or local agency.

This bill would extend the 1985 date above to 1987 and would provide that artistic property created by the personal efforts of the taxpayer, as defined, shall be treated as a capital asset for purposes of the reduction for taxable years beginning after December 31, 1986

This bill would require the Franchise Tax Board to report to the Legislature on specified estimated and projected fiscal effects of the bill

This bill would incorporate the amendments to Section 17240 of the Revenue and Taxation Code which are proposed by AB 66 or SB 172 or both of those bills if either or both bills are chaptered and this bill is chaptered last.

This bill would take effect immediately as a tax levy.

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Ch. 1191 (AB 1708) Farr. Hazardous waste control.

Existing law defines a "recyclable material" as, among other things, a material that would be a hazardous waste, except that a use or reuse of the material can be demonstrated and the material is a spent, contaminated, or used material which has been transferred by its producer to an unrelated or unaffiliated person for recycling or treatment and subsequent sale

This bill would specify that a used or spent etchant, stripping solution, or plating solution is a spent, contaminated, or used material for these purposes and would declare that any such material listed, or meeting a characteristic established, by the Environmental Protection Agency or the State Department of Health Services as a hazardous waste which is transported from the site where produced and transferred to an unrelated or unaffiliated person for any purpose is subject to the laws relating to hazardous waste control, unless the department waives any specific provision thereof with respect thereto.

Ch. 1192 (AB 1733) Hauser Schools programs: energy education.

Under existing law, there are no provisions requiring school districts to provide energy education instruction as part of their required or authorized courses of study

This bill would require the Superintendent of Public Instruction to provide for the development of a model energy education program appropriate for use by school districts maintaining kindergarten and grades 1 to 12, inclusive This bill would authorize the superintendent, in developing the model program, to utilize or incorporate existing instructional materials in the area of energy and other available resources, so long as he or she determines that they are reasonably balanced and objective, or are capable of being used in conjunction with other materials to establish a reasonably balanced and objective perspective. This bill would require the model program, including the review of the incorporation of existing instructional materials in the area of energy and resources, to be developed in consultation with the California Energy Commission, and to be periodically updated to incorporate additional technological changes This bill would require the model program to be designed to provide instruction to pupils in specified subject areas, as prescribed.

This bill would require the superintendent to make the model program available to each school district. This bill would specify that school disticts shall have the option to include the model program as part of their required or authorized courses of instruction, but would state the legislative intent that the superintendent shall take any steps necessary to encourage school districts to provide some form of energy education instruction

Ch. 1193 (AB 1744) Wright Hazardous waste transportation.

(1) Existing law requires that persons transporting hazardous waste be registered with the State Department of Health Services Persons transporting specified amounts of hazardous waste are exempt from these requirements if the waste meets specified criteria, including that the contents of any single container hauled do not exceed one gallon or 10 pounds, that the waste is not extremely hazardous waste, and that the person transporting the waste also produced the waste

This bill would delete the above weight and volume limitation concerning the contents of a container and would permit the transported hazardous waste to be extremely hazardous waste if the waste was not generated in the course of any business and is not more than 2 2 pounds The bill would also require that an exempt transporter of the waste produce less than 100 kilograms of hazardous waste in any month

(2) Under existing law, a tax is imposed on each ton, or fraction thereof, of specified hazardous waste and material which is disposed of in this state The taxes are deposited in the Hazardous Substance Account ("California Superfund") in the General Fund for the purpose, generally, of paying for removal and remedial actions as to hazardous substance releases Existing law exempts from that tax, and from other specified recordkeeping requirements, the hazardous wastes collected by local health officers or county agricultural commissioners which result from any voluntary hazardous waste collection programs, as defined, if the total quantities collected are 1,000 kilograms or less per month.

This bill would extend this exemption from the tax to any public agency, or any person operating a collection program under an agreement with a public agency, which collects any amount of hazardous waste through a voluntary hazardous waste collection program.

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(3) Under existing law, the money in the account and the Hazardous Substance Cleanup Fund may be appropriated by the Legislature 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 actions relating to the release or threatened release of hazardous substances, and to pay for the costs which the state incurs for remedial or removal actions not reimbursed by the federal act. The costs incurred from the account or fund are required to be recovered from the liable persons.

This bill would prohibit the imposition of this liability upon any public agency operating a voluntary hazardous waste collection program, or any person operating such a program under an agreement with a public agency, for any waste properly handled and transported to an authorized hazardous waste treatment or disposal facility at a location other than that of the collection program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating a new crime concerning the transportation of hazardous waste.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1194 (AB 1750) Wright. Mental health.

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 disclosure of this information and records to persons serving on an interagency case management council in Ventura County.

Existing law does not expressly provide for the establishment of a county interagency council to formulate case management plans for use of mental health services.

This bill would permit Ventura County to establish an interagency council to formulate case management plans for users of mental health services whose problem behavior has resulted in the involvement of specified local agencies. The bill would also require the Board of Supervisors of Ventura County to make a specified report to the Legislature by January 1, 1987, if an interagency council is established.

This bill would incorporate additional changes in Section 5328 of the Welfare and Institutions Code proposed by SB 1034 and SB 1088, which would become operative, as specified, only if either or both of these bills and this bill are chaptered, and this bill is chaptered last.

Ch. 1195 (AB 2009) Papan. Disciplinary hearings

Existing law sets forth disciplinary proceedings for employees in state civil service and provides that the hearings may be held by the State Personnel Board or by any authorized representative, as specified.

Existing law provides that the State Personnel Board, at the request of a rejected probationer, may investigate the reasons for the rejection and may take various actions with regard to the rejection.

This bill, in addition, would provide that after investigation, the board may modify the action of the appointing power

Existing law sets forth a procedure whereby an employee who has been served with notice of adverse action, or a representative of the employee, may inspect any documents in the possession of, or under the control of, the appointing power which are relevant to the adverse action taken and which would be admissible in evidence at a hearing of the employee's appeal from an adverse action.

This bill would include within the above provisions documents which would constitute "relevant evidence" as defined in Section 210 of the Evidence Code and would set forth a procedure whereby the employee may compel the discovery with the Hearing Office of the State Personnel Board. This bill would also provide that a party aggrieved by the decision of the administrative law judge may compel discovery in superior court.

Existing law provides that failure of an employee to appear at a hearing shall be deemed a withdrawal of the employee's answer and the action of the appointing power

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shall be final.

This bill would provide, instead, that failure of either party (the employee, the employer, or their representatives) to proceed at the hearing shall be deemed a withdrawal of the action or appeal, unless the hearing is continued by mutual agreement of the parties.

This bill, in addition, would set forth procedures authorizing an employee to move for a dismissal of charges during a disciplinary proceeding.

Existing law provides that whenever the board revokes or modifies an adverse action and orders that the employee be returned to his or her position, it shall direct the payment of salary to the employee for such period of time as the board finds the adverse action was improperly in effect.

This bill, in addition, would provide that the above payment of salary shall include interest accrued and that the board shall direct the reinstatement of all benefits, as specified, that otherwise would have normally accrued.

Ch. 1196 (AB 2099) Farr. Salmon and steelhead trout

(1) Under existing law, the Joint Committee on Fisheries and Aquaculture was required to submit a report containing specified information to the Legislature, by January 1, 1985, in order to permit the Legislature to devise a permanent system to regulate entry into the commercial salmon fishery

This bill would require the department, with the assistance of the joint committee, to prepare and transmit that report by January 1, 1987

(2) Under existing law, no salmon may be taken aboard or landed from any vessel for commercial purposes unless a commercial salmon vessel permit has been issued, as specified, for the vessel Existing law also requires the owner or operator of each vessel holding a commercial salmon vessel permit to obtain and pay the fees, as specified, for a commercial fishing salmon stamp for each year, whether or not engaged in commercial salmon fishing. The provisions of law relating to the commercial salmon vessel permits, including the review board for permit appeals, terminates on January 1, 1986 Violation of these provisions of the Fish and Game Code are misdemeanors

This bill would expressly require the owner or operator of a vessel holding a commercial salmon vessel permit, as specified, to obtain a commercial fishing salmon stamp each year for each vessel owned or operated by the owner or operator whether or not engaged in commercial salmon fishing, and thereby would impose a state-mandated local program by changing the definition of a crime. The bill would also extend the provisions of law relating to commercial salmon vessel permits to January 1, 1987.

(3) The bill would require the department to enter into a consulting services contract for the Commercial Salmon Fishing Review Board to assist in the creation of a permanent limited entry law

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The bill would appropriate $45,000 from the Fish and Game Preservation Fund to the department for expenditure in the 1985–86 and 1986–87 fiscal years for a personal services contract which would be required to result in a specified study and report relating to commercial salmon fishing.

Ch. 1197 (AB 920) Rogers. Sales and use tax exemptions: food.

The existing California Sales and Use Tax Law generally exempts from the taxes imposed by that law food products for human consumption. This exemption does not apply to food products sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

This bill would include within the latter exception food products sold for consumption within marinas, campgrounds, or recreational vehicle parks, the entrances to which are subject to an admission charge, thereby exempting these sales from the taxes

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.

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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 reimbursement or appropriation is made to local agencies because revenue losses to local agencies due to the bill are minor and will not cause any financial burden to local government

The bill would make additional changes to Section 6359 of the Revenue and Taxation Code proposed by SB 40, to be effective if both bills are chaptered and this bill is chaptered last.

The bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch 1198 (AB 938) Alatorre. Earthquakes. prediction and emergency response

(1) Existing law requires the Seismic Safety Commission to carry out various duties and responsibilities relating to earthquake prediction and earthquake hazard mitigation

This bill would require the Department of Conservation to develop jointly with the United States Geological Survey a prototype earthquake prediction system on the San Andreas fault near Parkfield. The bill would require the department to report to the Governor, the Legislature, and the Seismic Safety Commission by January 1, 1987, and to make annual reports thereafter The project would terminate on January 1, 1992, unless extended by statute

The bill would require the Office of Emergency Services, in consultation with the California Earthquake Prediction Evaluation Council, to develop a comprehensive emergency response plan for short-term earthquake predictions which would include certain criteria. The bill would require the office to also consult with the department, the commission, the United States Geological Survey, and the Federal Emergency Management Agency in the development of the plan.

(2) The bill would appropriate $1,075,000 from the General Fund, with $1,000,000 allocated to the Department of Conservation to establish the prototype earthquake prediction system and $75,000 allocated to the Office of Emergency Services for the development of a comprehensive response plan, but would prohibit encumbrance of the funds until matching federal assistance funds are received

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

Ch 1199 (AB 821) Cortese. Planning and zoning resource recovery.

(1) Existing law does not specify the procedure for repealing a specific plan

This bill would do so.

(2) Existing law permits a city or county to require a person who requests the adoption or amendment of a specific plan to pay the estimated cost of preparing that plan or amendment.

This bill would permit a city or county to require any person who requests the repeal of a specific plan to make a similar payment

(3) Existing law authorizes the legislative body of any county or city to adopt regulations governing, among other things, the use of buildings, structures, and land as between industry, business, residents, and open space.

This bill would delete the reference to residents and would replace that term with residences, thereby permitting the legislative body to adopt regulations governing the use of buildings, structures, and land as between industry, business, residences, and open space.

(4) The existing Nejedly-Z'berg-Dills Solid Waste Management and Resource Recovery Act of 1972 includes any agency established by legislative act and recognized by a resolution of the Council on Intergovernmental Relations as performing general environmental and resources planning within the meaning of a regional planning agency for purposes of that act and also contains obsolete references to specified planning commissions and specified planning districts in the definition of a regional planning agency for purposes of that act

This bill would instead, include any agency established by legislative act and recognized by the Office of Planning and Research as performing that planning within the meaning of regional planning agency, would delete the references to those commissions and districts, and would incorporate a reference to a joint area planning commission

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formed pursuant to a specified statutory provision.

(5) The bill would make other technical, nonsubstantive changes.

Ch. 1200 (AB 869) Lancaster Political Reform Act: amendment notice: statements.

Under existing law, an amendment to the Political Reform Act of 1974 must comply with specified procedures including the delivery of the bill in its final form to the Fair Political Practices Commission at least 20 days prior to passage in each house.

This bill would reduce the 20-day period to 12 days

This bill would also require that any person who files a complaint, cross-complaint, or initial pleading in any civil action, pursuant to specified provisions of the act, shall serve on the commission, within 10 days, a copy of the complaint, cross-complaint, or initial pleading, or a notice containing specified information. However, no appeal shall be dismissed for failure to comply with this provision.

The Political Reform Act provides for a penalty of $10 per day after the filer is notified in writing by the filing officer that an original report or statement is filed after a deadline proposed by this act, but provides for waiver of liability by the filing officer, except as specified, with regard to late filing of second preelection campaign statements, and all other statements or reports

This bill would specifically prohibit waiver of liability if a statement of economic interest, except a candidate's statement, is not filed within 30 days after the filing officer has sent specific written notice of the filing requirement.

Ch 1201 (AB 1607) Clute New Motor Vehicle Board fees.

(1) Under existing law, the New Motor Vehicle Board has prescribed duties and responsibilities with respect to the licensing and regulation of new motor vehicle dealers, manufacturers, manufacturer branches, distributors, distributor branches, or representatives, and hearing and considering protests involving motor vehicle franchises, as specified

Existing law also requires the board to consider any matter concerning the activities and practices of any person applying for or holding specified occupational licenses, and a board member who is a new motor vehicle dealer is authorized to participate in, but not decide, any matter regarding specified disputes between a franchisor and franchisee.

This bill would bar such a board member from participating in, hearing, commenting on, advising other board members upon, or deciding any matter considered by the board involving a dispute between a franchisor and a franchisee in the above situations.

(2) Under existing law the board is required to establish fees for filing an appeal, protest, or petition with the board.

This bill would require the board to establish fees for the initial filing by any party in regard to an appeal, protest, or petition filed with the board.

(3) Existing law does not expressly authorize a proposed stipulated decision and proposed order of the board, submitted by the parties to any protest or petition before the board, to be deemed to be adopted by the board in the absence of a meeting of the board.

This bill would confer that authority. The bill would provide that the proposed stipulated decision and proposed order of the board is deemed to be adopted by the board unless any member of the board notifies the secretary of the board of any objection thereto within 10 days after that board member has received a copy of the proposed stipulated decision and order.

(4) Under existing law, certain disputes between motor vehicle franchisees and franchisors are subject to the jurisdiction of the board, including the establishment of an additional motor vehicle dealership within a relevant market area where the same line-make is already represented, or the relocation of an existing motor vehicle dealership within or into that market area Presently, the reopening in a relevant market area of a dealership that has not been in operation for one year or more is deemed to be the establishment of an additional dealership and, thus, subject to the jurisdiction of the board. On the other hand, the relocation of an existing dealership which is less than one mile from the existing location of the dealership to a location within the same relevant market area within the same city where the existing dealership is located is not subject to the jurisdiction of the board.

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This bill would provide, instead, that the reopening of a dealership, regardless of location in a relevant market area, that has not been in operation for one year or more is deemed to be the establishment of an additional dealership and, thus, subject to the jurisdiction of the board The bill would also provide that the relocation of an existing dealership to any location which is both within the same city as, and is within one mile from, the existing dealership location is not subject to the jurisdiction of the board. Similarly, the establishment of any location which is both within the same city as, and is within ¼ mile from, the location of a dealership of the same line-make that has been out of operation for less than 90 days would not be subject to the jurisdiction of the board.

(5) Under existing law, the board may require fees to be paid to the Department of Motor Vehicles for the issuance or renewal of occupational licenses for a new motor vehicle dealer, manufacturer, distributor, branch, or representative. These licensees are required to renew their licenses annually, as specified.

This bill would authorize the board to require an additional fee to be paid to the department when a licensee has failed to pay fees to the board which it is authorized to charge and the licensee has utilized a prescribed 30-day late renewal procedure.

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

Ch. 1202 (AB 1636) McAlister. Public Insurance Adjusters Act.

Existing provisions of the Insurance Adjuster Act provide for a comprehensive scheme of licensure and regulation for insurance adjusters, who are defined as persons who, for consideration, engage in business or employment to furnish, or agree to make or make any investigation for the purpose of obtaining information in the course of adjusting or participating in the disposal of insurance claims or who engage in soliciting insurance adjustment business with reference to specified matters

This bill would enact the Public Insurance Adjusters Act, which would require licensure by the Department of Insurance of public insurance adjusters, and would regulate the business A public insurance adjuster would mean a person who, for compensation, acts on behalf of or aids an insured in negotiating for or effecting the settlement of insurance claims relating to property or any person who advertises, solicits business, or holds himself or herself out as an adjuster of those claims, and any person who, for compensation, investigates, settles, adjusts, advises, or assists an insured for those losses on behalf of a public insurance adjuster.

The bill would impose various fees, which, since they are deposited in the continuously appropriated Insurance Fund, would result in an appropriation.

A violation of various provisions would be punishable as crimes, and would thus constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1203 (AB 158) Cortese Disabled vehicles: assistance to drivers.

(1) Existing law does not specifically require traffic officers to inquire of the driver of a disabled motor vehicle whether assistance is required

This bill would require the Department of the California Highway Patrol and every local law enforcement agency having traffic law enforcement responsibility, as specified, to develop, adopt, and implement a written policy, a copy of which is to be available to the public upon request, for its officers to provide assistance to disabled motorists within its jurisdiction

The bill would require the Department of the California Highway Patrol to report annually to the Legislature, commencing on or before February 15, 1987, on its experience under, and the effects of, these provisions, and would require the Legislative Analyst to similarly report on the experiences of local law enforcement agencies under, and the effects of, these provisions

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and

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other procedures for claims whose statewide costs exceed $500,000.

This bill would create a state-mandated local program by requiring local law enforcement agencies to develop, adopt, and implement policies to provide assistance to disabled motorists, to provide copies of these policies to the public, upon request, and to cooperate with the Legislative Analyst when preparing the report specified in (1) above.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1204 (AB 241) McClintock. Property tax revenues. apportionments.

Existing law provides for the allocation of property tax revenues by each county auditor among jurisdictions, as defined, including local agencies.

Existing law also provides for adjustments to be made by county auditors to those allocations as the result of jurisdictional changes involving a city incorporation, the formation of a district, or the alteration of service area or service responsibility of a local agency

This bill would permit, commencing with the 1985–86 fiscal year, the exchange of property tax revenues between local agencies upon the adoption of the exchange, by resolution, by the transferor local agency and the approval of the exchange by the board of supervisors or the city council, as applicable, if specified conditions are met. The bill would require each local agency that would be affected by a proposed exchange to conduct a public hearing, as specified, to consider the effects of the proposed exchange on various revenues

This bill would require the county auditor, following approval of the exchange, to make the necessary adjustments in the allocation of property tax revenues to the affected local agencies for the 1985–86 fiscal year and fiscal years thereafter

This bill would also make certain conforming changes in various provisions relating to property tax revenue apportionment.

This bill would incorporate the amendments to Sections 97 and 98 of the Revenue and Taxation Code which are proposed by AB 1867 or SB 1091 or both of these bills if either or both bills are chaptered and this bill is chaptered last.

The bill would take effect immediately as an urgency statute.

Ch. 1205 (AB 595) La Follette. Criminal profiteering activity.

(1) Existing law prohibits "criminal profiteering activity," which is defined as any act committed or attempted, or any threat made, for financial gain or advantage, which act or threat may be charged as a crime under specified provisions of law.

This bill would add specified crimes relating to obscene matter and harmful matter, as defined, to the list of crimes constituting the basis for "criminal profiteering activity." The bill would impose a state-mandated local program by expanding the definition of a crime.

(2) The bill would also incorporate changes to Section 186.2 of the Penal Code made by Senate Bills 260 and 272, contingent upon the enactment of those bills.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1206 (AB 1441) Eaves. Deeds of trust: sales.

(1) Under existing law, if an obligation secured by a deed of trust with a power of sale or a mortgage becomes due because of default, the default may be cured by payment of the amount that would have been due had no default occurred plus certain costs and fees, if payment is made within 3 months of recording the notice of default.

This bill would permit the default to be cured by that payment if made before 5 business days prior to the date of sale. The bill would provide that there shall be no liability for failure to allow reinstatement during that 5-day period prior to sale and would make various conforming technical changes.

(2) Under existing law, trustee's or attorney's fees which may be charged with respect

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to the exercise of a power of sale under a deed of trust, which has been defaulted upon and then cured, is limited to $150 as to any unpaid principal of $50,000 or less

This bill would increase that fee limitation to $200

(3) Under existing law, the trustee's or attorney's fees chargeable for conducting a sale pursuant to a power of sale in a deed of trust may not exceed $300 or 1⅓% of the unpaid principal, whichever is greater

This bill would reduce that percentage limitation to one percent of the unpaid principal

(4) Under existing law, whenever a sale under a power of sale in a deed of trust on real property is postponed, the trustee under the deed of trust is required to publicly declare a new date, time, and place of sale.

This bill would, with specified exceptions, require a minimum interval between the expiration of a court injunction, restraining order, or stay delaying the sale, or expiration of a delay caused by operation of law, and the date of the sale, as specified The bill would make related changes

(5) This bill would incorporate additional changes in Section 2924d of the Civil Code proposed by SB 930 contingent upon the prior enactment of that bill

Ch 1207 (AB 1218) Isenberg Health records. access.

(1) Existing law makes certain health care providers, as defined, who willfully violate certain provisions relative to patient access to health records guilty of unprofessional conduct.

This bill would subject a marriage, family, and child counselor and a clinical social worker, as defined, to this sanction

(2) Existing law permits health care providers to transmit X-rays and other specified patient records to other providers under limited circumstances

This bill would prohibit a health care provider from discriminating against classes or categories of providers in the transmittal of these records This bill would impose a state-mandated local program by making a violation of this requirement an infraction for certain enumerated providers It would require every health care provider to adopt policies and establish procedures for the uniform transmittal of X-rays and other patient records, as specified It would permit a health care provider to establish reasonable conditions, including a reasonable deposit fee, to ensure the return of original X-rays transmitted to other health care providers, as specified To the extent this requirement would apply to publicly operated or public health care providers, it would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons

Ch 1208 (AB 775) Elder Cosmetology· school records

Existing law generally provides that a currently enrolled or former student of a school of cosmetology or electrology has a right of access to his or her records maintained by the school

This bill would provide that, notwithstanding any other provision of law, no student withdrawing from or completing a course of study at a school of cosmetology or electrology shall have a right to copies of any student records relating to him or her maintained by the school, until full payment has been made by the student of all fees and charges due to the school which are specified in the contract between the student and the school. The bill would require a school to disclose this fact to a student in the contract between the school and the student, as specified. The bill would also require the State Board of Cosmetology to maintain a current record of course credit received by each student, as specified

A violation of any provision of the Cosmetology Act is a misdemeanor, and, thus, this bill would impose a state-mandated local program by creating a new crime

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

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This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1209 (AB 2399) Filante Controlled substances. storage.

Existing law provides that a controlled substance shall be stored only in a warehouse which is licensed by the Board of Pharmacy Specified health professionals, among others, are exempted from this requirement

This bill would include within the group of health professionals which are exempted from this requirement regarding the storage of controlled substances, specified emergency medical technicians-II, emergency medical technician-paramedics, and mobile intensive care nurses who transport, store, or administer specified controlled substances It would also exempt an emergency medical response or transport unit in specified circumstances

The bill would require the Director of the Emergency Medical Services Authority, commencing January 1, 1987, to investigate and determine if the storage and transportation of controlled substances has increased the attempted theft of the substances or endangered the personal safety of EMS personnel. The results of that investigation would be required to be reported to the Legislature by February 1, 1987.

Ch 1210 (AB 2321) Tanner College admissions tests

(1) Under existing law, there are no provisions which authorize the establishment of college admissions test preparation pilot projects for school districts maintaining high schools

This bill would require the Superintendent of Public Instruction to establish college admissions test preparation pilot projects for eligible school districts to improve the representation of students from economically disadvantaged and ethnic minority groups in admissions to public postsecondary educational institutions. This bill would prescribe the objectives of the pilot projects and would prescribe criteria for the approval of pilot projects

This bill would authorize the superintendent to approve college admissions test preparation pilot project grants for purposes of implementing the pilot projects, and would specify that pilot projects shall be awarded for 3-year grant periods This bill would authorize the superintendent to terminate any approved project if it is determined that the pilot project is no longer meeting the requirements of this bill This bill would require the superintendent to ensure that approved pilot projects are equitably distributed among geographic areas of the state

This bill would state the legislative intent that the governing board of each school district operating an approved pilot project enter into agreements with college admissions test sponsors for the purpose of establishing and maintaining test preparation activities for the benefit of students, teachers, counselors, and parents This bill would require the plan for test preparation activities to be approved at a public meeting of the governing board and would require the approved plan to include prescribed activities and materials

This bill would require the superintendent to submit a report to the Legislature on or before January 1, 1988, regarding the implementation and effectiveness of college admissions test preparation pilot projects, as specified.

The bill would require the State Department of Education to award funds to school districts no later than February 28, 1986, as specified

(2) This bill would reappropriate $300,000 from Item 6100-107-001 of the Budget Act of 1985 to the Superintendent of Public Instruction for purposes of establishing college admissions test preparation pilot projects pursuant to the requirements of this bill This bill would state the legislative intent that funding at equivalent levels for subsequent fiscal years be included in the Budget Act for each fiscal year

This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984

Ch 1211 (AB 2381) Wright. Unemployment Insurance.

(1) Existing law provides that in order to qualify for disability benefits under the disability compensation law, an unemployed and disabled worker must wait for a period

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of 7 consecutive days. However, the remainder of the waiting period is waived where a worker is confined for one day in a hospital or receives treatment in a hospital surgical unit or a surgical clinic, as defined. The waiver shall be supported by a certificate containing specified information concerning the individual's confinement in the hospital or treatment in the hospital or clinic.

This bill would provide that if it is not practical to obtain the above certificate, the information may be verified by any other means the Employment Development Department deems reasonable.

(2) Existing law provides that an individual is ineligible for unemployment benefits and unemployment compensation disability benefits if he or she has willfully, for the purpose of obtaining benefits, either made a false statement or representation, with actual knowledge of the falsity thereof, or has withheld a material fact in order to obtain any benefits.

Existing law also determines when the individual is ineligible to receive the benefits.

This bill would revise the periods when the person is deemed ineligible to receive benefits

(3) The bill also would provide for assessment against an individual in an amount equal to 30%, if the director finds that the individual has been overpaid unemployment compensation disability benefits based on a false statement or representation as specified.

The bill would constitute an appropriation by requiring the above assessments to be deposited in the Unemployment Compensation Disability Fund, a continuously appropriated fund.

(4) This bill would also make related technical changes.

Ch. 1212 (AB 1776) Sher. Electrical and gas corporations new plant.

(1) Under existing law, the Public Utilities Commission regulates the operations of and rates charged by public utilities, including electrical and gas corporations, and no electrical or gas corporation may construct any new plant or any extension of or addition to its plant without a certificate of public convenience and necessity issued by the commission.

This bill would direct the commission to disallow, for rate setting purposes, expenses directly or indirectly related to unreasonable errors and omissions relating to the planning, construction, or operation of any portion of an electrical or gas corporation's plant which cost, or is estimated to have cost, more than $50,000,000, including expenses resulting from delays caused by any unreasonable error or omission. The bill would declare these provisions to be a clarification of existing law, to not limit or restrict any other power or authority of the commission, and to apply to matters pending before the commission. The bill would specify that it does not prohibit the commission from establishing electric or gas rates on a basis other than an allowed rate of return on undepreciated capital costs

The bill would direct the commission to disallow expenses relating to plant planning, construction, or operation which a corporation fails to substantiate with records sufficient to enable the commission to completely evaluate for reasonableness, except where the commission determines that a reasonable person could not have anticipated the need for preparing and maintaining these records.

(2) The bill would also direct the commission, in its final order and decision in the application of Pacific Gas and Electric Company for a rate increase reflecting the construction costs of the Diablo Canyon Nuclear Power Plant, if it is determined that the company shall be allowed to earn a return on undepreciated capital costs related to that project, to make specific findings as to any costs, including costs resulting from delays relating to the discovery of the Hosgri seismic fault and the questionable use of blueprints and associated problems known as "mirror image" problems, and to make specific findings as to whether any of these matters constitute errors and omissions within (1), above. This provision would, however, be inapplicable if the commission establishes rates for the Diablo Canyon plant on a basis other than an allowed rate of return on undepreciated capital costs

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Ch. 1213 (AB 1850) Farr Community colleges: contractual training· culinary arts.

The existing Community College Vocational Education and Technology Instructor and Counselor In-Service Training Pilot Program authorizes the governing board of any community college district, or with one or more community college districts, to establish contractual education programs within or outside of the state by agreement with any public or private agency, corporation, association, or any other person or body, to provide specific educational programs or training. The Chancellor of the California Community Colleges is required to ensure certain criteria is met in selecting proposals to receive in-service training grants The pilot project is repealed January 1, 1989.

This bill would define an in-service training program to include culinary arts and food service

The bill would require the chancellor to ensure, to the extent local applications are submitted for consideration, that culinary arts and food service receive a reasonable share of the in-service grants. The bill would also require that the chancellor consider the projected demand for skilled employees in particular occupational areas in selecting proposals to receive in-service training grants.

This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984.

Ch. 1214 (AB 1813) Agnos. Rehabilitation.

Under existing law, the Department of Rehabilitation administers a variety of services and programs to assist persons with disabilities to become self-supporting

This bill would provide for a supported employment loan guarantee program to assist employers and employees with disabilities to purchase durable equipment, adaptive aids, and assistive devices in order to engage in supported employment.

The provisions of this bill would be administered by the Department of Rehabilitation. The department would make loan guarantees to private employers and employees with disabilities, at a rate to be determined by the department, as specified.

The bill would create within the Rehabilitation Revolving Loan Guarantee Fund a Supported Employment Revolving Loan Guarantee Account from which the department would make these loan guarantees. No more than 10% of the account could be used for administrative costs The department would be required to report on the utilization of the fund to the Legislature by a specified date.

This bill would state the intent of the Legislature concerning the need for, and would authorize the Director of Rehabilitation to fund, 2 dependency reduction projects in order to make custom-tailored communication and functioning devices and systems available to persons with disabilities who are unable to purchase these systems.

This provision would remain in effect only until July 1, 1987, in the absence of further legislation

This bill would also appropriate subject to the availability of funds, $200,000 from the Rehabilitation Revolving Loan Guarantee Fund to the Department of Rehabilitation for deposit in the Supported Employment Revolving Loan Account for the purposes of this bill.

This bill would appropriate $250,000 from the General Fund to the Department of Rehabilitation for purposes of the demonstration projects of the bill.

Ch. 1215 (AB 1844) Hayden Community Crime Resistance Program

Existing law provides for the California Community Crime Resistance Program to combat crime and juvenile delinquency, under the Office of Criminal Justice Planning The program establishes criteria for the selection of communities to receive funding of up to $125,000 for a 12-month period, after the review and evaluation of the applications by the Crime Resistance Task Force. Local projects supported by the program are required to propose the implementation of at least 3 activities from a specified list.

This bill would revise the program by. providing that the maximum award for a 12-month grant period would be $250,000; deleting the list of specified activities from which local projects are required to implement 3 activities and instead restricting the use of funds granted to a specified list of activities; recasting the scope of the programs that may be so funded; expanding the criteria which may be considered in the selection of communities to receive funding; providing for review and evaluation of applications for funding by the Office of Criminal Justice Planning rather than the task force; and

revising the procedures for evaluating and monitoring the grants made under the program

Existing law provides that the California Community Crime Resistance Program shall remain in effect only until January 1, 1986, and as of that date is repealed

This bill would repeal the repealer and therefore permit the program to continue as amended by this bill. This bill would also make technical nonsubstantive changes.

Ch 1216 (AB 1535) Moore Pilot Project on Hyperactivity

Existing law makes no provision for the study of the correlation between hyperactivity and juvenile delinquency

This bill would establish a 3-year pilot project on hyperactivity in the San Diego Unified School District in San Diego County, the Lincoln School District in San Joaquin County, and the Long Beach Unified School District in Los Angeles County to study the correlation of hyperactivity, as defined, in children and juvenile delinquency. The project would constitute a state-mandated local program.

The bill would also establish the Joint Task Force on Hyperactivity of the State Department of Justice and the State Department of Education composed of the Superintendent of Public Instruction and the Attorney General, or their designees, a psychiatrist specializing in hyperactivity, a parent of a hyperactive child, and a nutritionist, all appointed by the superintendent, and a representative from each of the school districts. The task force would oversee the implementation of the pilot project, perform specified duties, and report to the Legislature on or before January 1, 1989.

This bill would make the provisions establishing the pilot project inoperative on July 1, 1989, and would repeal them as of January 1, 1990.

This bill would appropriate $210,000 to the Superintendent of Public Instruction for the purposes of this bill, for allocation to the San Diego Unified School District, the Lincoln School District, and the Long Beach Unified School District according to a specified schedule

This bill would express the Legislature's intent that funding for the pilot project for the 1987–88 and 1988–1989 fiscal years be provided in the annual Budget Act for each of those fiscal years

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch 1217 (AB 1575) McAlister Unemployment compensation benefits.

Existing law includes, as covered employment for unemployment compensation purposes, all service performed by an individual for any public entity, with specified exceptions

Existing statutory law, among other things, (1) provides for a pooled fund arrangement for local public entities to finance unemployment insurance coverage of their employees, and establishes a Local Public Entity Employees Fund in the State Treasury to be continuously appropriated without regard to fiscal year for those purposes; (2) provides that the above provisions are a federal mandate within the meaning of specified provisions; and (3) provides that there are no state-mandated local costs in the existing law because the existing law merely affirms for the state that which has been declared existing law through action by the federal government.

This bill, in accordance with judicial interpretation stating that the above existing law constitutes a state-mandated local program (City of Sacramento v. State of California, 156 Cal App. 3d 182), would repeal the above statutory provisions for the pooled fund arrangement, operative January 1, 1986, and would repeal the federal mandate language, and the provision that the existing law does not create state-mandated local costs. In addition, the bill would find and declare the above law to be a state-mandated local program with respect to all claims filed on or after July 1, 1980.

In addition, the bill would provide that reimbursements to local public entities, except fee-supported special districts, for costs of unemployment insurance for fiscal years 1984–85 and 1985–86 shall be made pursuant to the State Mandates Apportionments

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System as provided by AB 1791, from funds appropriated by this bill, and would require the Director of Employment Development to determine the balance of each member of the Local Public Entity Employees Fund as of December 31, 1985, and to refund account balances which are positive, and to reduce the appropriations made by this bill by the amount of any negative account balance The bill would specify that the Director of Employment Development shall not assess any interest or penalties for nonpayment on unpaid billings which are sent to public entities on or after May 22, 1984, and before the effective date of this act, and that the director shall reimburse a public entity in the amount of any interest or penalties paid by the entity for billings sent to the entity on or after May 22, 1984 and before the effective date of this act.

Existing law provides that, under specified circumstances, in computing unemployment compensation benefits, extended duration benefits, and federal-state extended benefits, payable to an individual for any week which begins after March 31, 1980, an offset shall be made for pension payments received by the individual, including the portion of federal old-age, survivors, and disability insurance benefits received due to employer contributions

This bill would make legislative findings and declarations concerning existing law and would specify that no offset shall be made for federal old-age, survivors, and disability insurance benefits

The bill would apply retroactively to benefits received for any week which begins after November 1, 1980, with regard to benefits payable to claimants who are alive on the effective date of this bill

The bill also would require the Employment Development Department to refund immediately all benefit overpayment assessments and penalties, as specified, received since March 1, 1984, and would appropriate $1,500,000 from the Benefit Audit Fund for this purpose

This bill would require the Employment Development Department to prepare and publish a printed summary describing liability for unemployment insurance compensation benefit overpayment, penalty assessments, and the pension offset issue, which shall be included with each refund of unemployment insurance benefit overpayment assessment and with each refund of unemployment insurance, extended duration, and federal-state extended benefits which are offset by that portion of any pension, retirement, or retired pay, annuity, or other similar periodic payment

In addition, this bill would make technical, nonsubstantive changes

This bill would appropriate $44,000,000 from the General Fund to the Controller for purposes of reimbursements to local public entities for state-mandated local costs

Since the bill would permit higher levels of unemployment benefits to be received by employees of local agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

This bill would provide that if any provision of this act or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are severable

This bill would take effect immediately as an urgency statute.

Ch 1218 (AB 1648) Bronzan Health care services.

Existing provisions of the California Public Records Act exempt 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 provides that contracts or amendments thereto, entered into on or after April 1, 1984, for inpatient Medi-Cal services by providers shall be open to inspection one year after they are fully executed

This bill would exclude the portion of those contracts or amendments containing the rates of payment from the inspection requirement The bill would, instead, provide that

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3 years after the contract or amendment is generally open to inspection, the portion of the contract or amendment containing the rates of payment would be open to inspection.

In addition, the bill would provide that notwithstanding any other provision of law, the entire contract or amendment would be open to inspection by the Joint Legislative Audit Committee The Joint Legislative Audit Committee would maintain the confidentiality of the contracts and amendments until such time as a contract or amendment is fully open to inspection by the public.

Existing law requires the California Medical Assistance Commission to report to the Legislature on January 1 and May 1 of each year concerning health service contracts, as specified

This bill would include additional information, as specified, which shall be included in the reports.

Ch. 1219 (AB 1667) Leonard. Habilitation services

Under existing law, the Department of Rehabilitation is authorized to contract with work-activity programs, which provide habilitation services to developmentally disabled adults. These services are designed to, among other things, provide training to these persons in order to determine their potential for eventual employment in the labor market.

Existing law contains provisions establishing a methodology for determining reimbursement rates to be paid by the department to each existing work activity program, but does not specifically provide for a methodology for determining reimbursement rates for new programs.

This bill would set forth a rate structure methodology to be used by the department for determining reimbursement rates to new work-activity programs, as defined, commencing with the 1985–86 fiscal year.

This bill would make these provisions inoperative on July 1, 1988, and would repeal them as of January 1, 1989.

The bill would appropriate $600,000 from the General Fund to the Department of Rehabilitation, for expenditure during the 1985–86 fiscal year, in order to implement the provisions of the bill. This bill would also provide that if $600,000 is appropriated for this purpose by the Budget Act of 1985, that appropriation would be in lieu of the appropriation made by this bill

The bill would also specify that if, during any fiscal year, all funds appropriated for purposes of implementing the provisions of the bill have been expended, the Department of Rehabilitation may utilize other funds appropriated for habilitation services in order to implement the provisions of the bill.

This bill would take effect immediately as an urgency statute.

Ch. 1220 (AB 855) Allen. Diesel tax prepayment.

Under the existing Use Fuel Tax Law, upon written notification by the State Board of Equalization, any person whose estimated tax liability averages $2,000 or more per month is required to make a prepayment, as specified.

This bill would repeal that requirement

Ch 1221 (AB 987) Margolin. Medical assistance.

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. Existing law further specifies that the community property interest of the institutionalized spouse in the unearned income of the noninstitutionalized spouse is deemed to be available income to the institutionalized spouse. Existing law, further specifies that, to the extent these provisions are in conflict with federal law or regulation, they shall not apply to the extent of the conflict. Existing law also requires the State Department of Health Services to seek federal waivers necessary to implement these provisions and provides that provisions for which waivers cannot be obtained shall not be implemented.

This bill would repeal the provisions requiring the department to seek waivers It

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would also provide that there is a rebuttable presumption that each spouse has a community property interest in one-half of the total monthly income of both spouses.

Under existing law, in determining the eligibility for Medi-Cal benefits of a married individual who is considered to be living separately from his or her spouse, certain transfers are deemed to have been made for full and adequate consideration.

This bill would require a married individual who resides in a skilled nursing facility or intermediate care facility, and who is in a Medi-Cal budget unit separate from his or her spouse, to expend his or her other resources, which includes nonexempt separate property and ½ of all the community property, for his or her own benefit

This bill would require the State Director of Health Services to adopt emergency regulations to implement this act.

This bill would take effect immediately as an urgency statute.

Ch. 1222 (AB 1273) Calderon. Schools: curriculum: human rights issues: genocide

(1) Existing law prescribes the required courses of study to be offered by school districts for grades 7 to 12, inclusive.

This bill would require the State Department of Education, on or before June 30, 1986, to develop a model curriculum for use by school districts maintaining grades 7 to 12, inclusive, to be incorporated into existing history or social studies courses offered by those districts relating to ~~human rights issues, with particular attention to the inhumanity~~ [the issue]* of genocide This bill would require [that]* the model curriculum ~~to~~* prescribe a separate course of study ~~in these areas~~* for grades 7 to 9, inclusive, and grades 10 to 12, inclusive This bill would require [that]* the model curriculum ~~to~~* be offered by school districts as part of their mandatory courses of study commencing with the 1986–87 school year This bill would require [that]* the model curriculum ~~to~~* be approved by the State Board of Education prior to dissemination to school districts.

This bill would impose a state-mandated local program by requiring the model curriculum to be incorporated, as specified, into the required courses of study for grades 7 to 12, inclusive.

[This bill would include human rights issues, with particular attention to the study of the inhumanity of genocide, as an area of study required to be offered in social science courses for grades 7 to 12, inclusive.]*

(2) This bill would appropriate $25,000 from the General Fund to the State Department of Education for administrative costs incurred by the department pursuant to this bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1223 (AB 1326) Moore. Architecture. practice of· Board of Architectural Examiners.

Existing law provides that it is a misdemeanor for anyone to engage in the practice of architecture, as defined, without a certificate issued by the California State Board of Architectural Examiners.

This bill would substitute the term "license" for that of "certificate," and make conforming changes throughout the provisions regulating the practice of architecture

The bill would also set forth a Legislative finding that it is the mandate of the board to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare, and would specify how the board shall carry out this duty

The bill would also revise various provisions which relate to the board and which regulate the practice of architecture by (1) requiring the board to elect from its members a vice president, in addition to a president and secretary, (2) providing that 5, rather than 6, members of the board constitute a quorum of the board for the transaction of business and that the act or decision of 5 members of the board present at a meeting duly held at which at least one licensed member is present shall be necessary to constitute an act or decision of the board; (3) requiring the board to notify licensees of the

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availability of materials regarding requirements for interior and exterior barrier-free design relative to the use of buildings and facilities by the physically handicapped; (4) specifying that a registered structural or civil engineer is exempt from the provisions regulating the practice of architecture insofar as the engineer practices the profession for which he or she is registered, (5) providing that each violation listed in a citation, rather than each citation, is subject to the assessment of a maximum civil penalty, (6) substituting the term "licensure" for the term "registration" in the provisions regulating architectural corporations, and making conforming changes; and (7) deleting obsolete language concerning the appointment of public members to the board and the renewal of licenses.

This bill would incorporate additional changes to Sections 5515, 5537.1, 5537.3, 5537.4, and 5537.5 of the Business and Professions Code, as proposed by SB 790, if this bill and SB 790 are both chaptered and this bill is chaptered last. This bill would also incorporate changes to Sections 5536, 5537 6, and 5600.2 of the Business and Professions Code, as proposed by AB 2196, if this bill and AB 2196 are both chaptered and this bill is chaptered last However, with respect to Section 5537.6 of the Business and Professions Code, this bill would provide that the repeal of that section, as proposed by SB 790, shall prevail over any amendment of that section proposed by this bill In addition, this bill would provide that the amendments to Section 5524 of the Business and Professions Code, as proposed by this bill, shall not become operative if SB 790 is chaptered and amends Section 5514 or Sections 5514 and 5524 of the Business and Professions Code and this bill is chaptered last.

Ch. 1224 (AB 2127) Lewis. State Coastal Conservancy.

Under existing law, the State Coastal Conservancy consists of 7 members. It includes 4 public members, with 2 public members appointed by the Governor

This bill would authorize not more than one of the 2 public members appointed by the Governor to be an elected official from any local government wholly or partially in the coastal zone. The bill would specify that the membership of a public member appointed as a local official would cease 60 days after the end of the member's term of office as a local official and that a public member who was not a local official could complete the member's term of office in the event the person is elected a local official.

Ch 1225 (AB 1855) Baker Apportionments: grades 9 to 12.

Under existing law, a school district, in the 1986–87 fiscal year, which certifies to the Superintendent of Public Instruction that it offers at least 64,800 minutes of instructional time for grades 9 to 12, inclusive, is entitled to a specified amount of second principal apportionment average daily attendance, as an incentive for an increased amount of instructional time.

This bill would additionally require that the 64,800 minutes be in no less than 6 class periods each day, as defined, unless that requirement is waived by the State Board of Education, as specified

This bill would incorporate additional changes in Section 46201 of the Education Code proposed by AB 2351, if both this bill and AB 2351 are chaptered and this bill is chaptered last

Ch. 1226 (AB 2096) Areias State contracting.

Existing provisions of the State Contract Act set forth the procedures for contracting by state agencies.

This bill would require the Director of General Services to establish training programs, as specified, in order to prepare state employees authorized to make purchases of equipment, supplies, and materials to effectively carry out their responsibilities. The bill also would make legislative declarations and would require the Department of Personnel Administration to provide training to state agency employees who are responsible for the preparation and administration of the approval of state contracts and purchasing for the state, as specified

In addition, the bill would require the Department of General Services and the Legislative Analyst to report on the effectiveness of the above training programs, as specified

The provisions of the bill would remain in effect only until January 1, 1991, unless a later enacted statute which deletes or extends that date is enacted before that date

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Ch. 1227 (AB 2191) Clute. Weapons

Existing law makes it a misdemeanor or a felony to assault certain persons with an electrical weapon, as specified.

This bill would define that weapon and label it as a stun gun and also make the use of a taser in an assault either a misdemeanor or a felony, as specified

Existing law prohibits the possession of specified weapons on the grounds of, or within, a public school providing instruction in kindergarten or any of grades 1 through 12 and permits seizure of those weapons by a certified or classified school employee.

This bill would add stun guns to the above list of prohibited weapons but would permit certificated or classified employees of the above public schools to bring or possess a stun gun upon the grounds of, or within that public school, for self-defense purposes.

Existing law generally provides for the regulation of concealable weapons, machineguns, and tear gas weapons

This bill would regulate the purchase, use, and possession of stun guns, as defined, and require the manufacturers of those weapons to stamp their name and place a serial number on each stun gun. Each violation of these provisions would be a misdemeanor, thereby imposing a state-mandated local program by creating new crimes However, the sale or furnishing of a stun gun to a minor under 16 or over 16 years of age but without the written consent of his or her parent or legal guardian would be a public offense punishable by a $50 fine on the first offense or as a misdemeanor for subsequent violations.

This bill would require that each stun gun sold be accompanied by a booklet informing the purchaser of the proper and effective use of the weapon A violation of this requirement would be a public offense punishable by a $50 fine, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1228 (AB 2239) Sher Underground storage tanks: permits

(1) Existing law requires every person owning or operating an underground storage tank to obtain a permit from a local agency designated by the city or county and to equip and monitor the tank in a specified manner A local agency is prohibited from issuing a permit for an underground tank if the local agency inspects the tank and determines that it does not comply with the specified provisions regulating underground tanks, including requirements for the installation of a monitoring system by July 1, 1985, if the tank was installed before January 1, 1984. Existing law allows cities to assume responsibility for implementing this permitting program

This bill would require a city which assumes responsiblity for implementing this program to do so by January 1, 1986. The bill would also authorize a local agency to issue an interim permit to the owners or operators of an underground storage tank if the local agency does not issue or refuse to issue a permit within 30 days after receiving a permit application. The local agency would be required to approve, modify and approve, or disapprove the monitoring program proposed in the permit application by March 1, 1986, and the interim permitholder would be required to install the system within 6 months of approval. The bill would prohibit the interim permitholder from being held in violation of certain requirements until a standard permit is issued or refused, which the local agency would be required to do by September 1, 1986. The bill would repeal the authority to issue the interim permit on September 1, 1986.

(2) Existing law exempts counties and cities which adopted an ordinance by January 1, 1984, from implementing the provisions of the underground storage tank program if the ordinance met certain requirements

This bill would specify that the ordinance must have met only those requirements which were in effect on January 1, 1984

(3) This bill would incorporate changes to Section 25291 of the Health and Safety Code proposed by AB 1755, which would take effect only if AB 1755 is enacted.

(4) The bill would also make conforming changes and would take effect immediately

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as an urgency statute

Ch 1229 (AB 2113) Bronzan Fresno flood control

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would adopt and authorize the plan of improvement for flood control and other purposes on the Fresno County Stream Group identified as the Redbank-Fancher Creeks Flood Control Project, except for the Redbank Creek Detention Basin, substantially in accordance with specified recommendations The bill would permit state bond act moneys available for flood control purposes to be appropriated for this project.

The bill would authorize the Department of Water Resources or the Reclamation Board to loan the local agency the funds necessary to pay the local portion of specified costs and would specify related matters.

The bill would authorize the Fresno Metropolitan Flood Control District, in lieu of the Reclamation Board, to give assurances satisfactory to the Secretary of the Army that the local cooperation required will be furnished in connection with the project, and would authorize the district, in conjunction with the Department of the Army, to execute the plans and project.

(2) Under the Fresno Metropolitan Flood Control Act, the district may levy taxes, upon real property in the district, for the purpose of providing funds for the district.

This bill would instead authorize the district to levy special benefit assessments in accordance with prescribed procedures. The bill would permit the assessment upon each parcel, in lieu of an ad valorem assessment, to be based on specified factors, and would prescribe related matters The bill would impose a state-mandated local program by imposing specified duties on county officers in connection with the imposition of the district's assessment

(3) Under existing law, flood control zones may be established within the district in accordance with prescribed procedures

This bill would instead permit the district to be divided into as many local drainage areas or zones as may be deemed necessary for the objects and purposes of the district, would prescribe procedures for acquiring authority to proceed with a project or projects within the local drainage areas or zones to be financed under specified bonding authority, and would prescribe related matters.

(4) Under existing law, the board of directors of the district consists of 7 members appointed as prescribed, and none of the members may be public officials of specified local entities.

This bill would delete appointed officials from the definition of public official.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch. 1230 (SB 640) Rosenthal. Dry cleaning and fabric care.

(1) Existing law provides for the State Board of Fabric Care within the Department of Consumer Affairs.

This bill would rename that board the State Board of Dry Cleaning and Fabric Care and would make related changes

(2) The bill would delete obsolete provisions regarding expenditures for the 1973–74 and 1974–75 fiscal years

Ch 1231 (AB 1727) Hauser Fish: report on status of fisheries salmon fishing

(1) Under existing law, the Department of Fish and Game reports to the Legislature on the status and condition of various species of fish and game, including commercial salmon resources, deer herds, and threatened or endangered species

This bill would require the department to report at least every 2 years, beginning January 1, 1988, to the Governor and the Legislature on the status of selected freshwater fisheries and selected ocean fisheries, as specified. The bill would require the report to be prepared within the existing budgetary resources of the department

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(2) Under existing law, the Fish and Game Commission is empowered to establish the seasons for sportfishing and commercial fishing, including salmon. The department is authorized to conduct research and collect statistics pertaining to the conservation, propagation, protection, and perpetuation of fish.

This bill would require the department to use present assessment methods, employing out-of-work fishermen, as specified, to assess the salmon escapement count in the Klamath River, the Eel River, and the Smith River systems. The bill would also direct the commission and the department to use these figures in all reports, recommendations, and decisions concerning the establishment of the commercial fishing and sportfishing seasons in state waters and as otherwise specified. The bill would also require the department to install sonar fish counting devices on the Klamath River system as a 3-year test program to determine the accuracy of the devices and to report specified findings to the Legislature by January 1, 1990

The bill would appropriate $400,000 from the Fisheries Restoration Account, created in the Fish and Game Preservation Fund by SB 400, to the department for specified purposes, to be allocated as determined by the department, as specified.

Ch. 1232 (AB 1856) Mojonnier. Insanity.

Existing law generally prohibits an individual who has ever been convicted of a sex offense, as defined, from residing in a community care facility that is within one mile of an elementary school. Existing law specifically exempts residential care facilities for the elderly from the prohibition.

This bill would also exempt any person receiving community supervision and treatment on an outpatient status for mentally disordered and developmentally disabled offenders

Under existing law, the county mental health director performs specified functions relative to the commitment and placement on outpatient status of criminal defendants found to be insane or incompetent, among other things Existing law, operative January 1, 1986, requires the State Department of Mental Health to provide treatment and care in the community for judicially committed persons.

This bill would transfer those functions of the county mental health director to a community program director designated by the State Department of Mental Health for each county or region, as specified. The bill would make the department responsible for those persons placed on outpatient status

Existing law provides for a hearing to determine the disposition of a defendant who is placed on outpatient status from a commitment to a state hospital or other treatment facility for a one-year period

This bill would require the hearing to be held within a specified time relative to the end of the period of outpatient status.

With respect to the original application for outpatient status, the bill would provide for the consideration of specified information relative to the criminal offense and record of the committed person

Existing law requires counties to perform specified duties within prescribed times relative to the auditing of mental health programs.

This bill would revise the time limits for the performance of certain of these duties concerning audits for certain fiscal years.

Under existing law, the Citizens Advisory Council advises and assists the Legislature and Director of Mental Health in carrying out the Short-Doyle Act and performs various other duties The council is composed of 15 members representative of various professional and public interests and is appointed by the Governor and Legislature

This bill would change the name of the council to the California Council on Mental Health.

Under existing law, the Organization of Mental Health Advisory Boards has specified duties, including advising the Citizens Advisory Council and the Legislature

This bill would also authorize the organization, by contract with the State Department of Mental Health, to provide coordination, consulting, and training for local mental health advisory boards.

The bill would make other clarifying, conforming, and corrective changes

Existing law concerning county retirement systems provides for various limited credits for service based upon public employees' prior work service.

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This bill would create a state-mandated local program by requiring a county of the first class, where state employees are transferred to county employment pursuant to Chapter 1330 of the Statutes of 1984, to permit transferred state employees to enter the county retirement plan or tier at a certain level based upon the months and years of state service of the transferred employees This provision would only apply if the Director of Mental Health agrees by contract to reimburse the county annually for the retirement contributions

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

The bill would take effect immediately as an urgency statute

Ch. 1233 (SB 27) Garamendi Senior Centers

Existing law provides for the Senior Center Bond Act of 1984, which provides funds for acquiring, renovating, constructing, and purchasing of equipment for senior centers, funding startup costs of programs, or senior center program expansion, subsequent to approval of each planned expenditure by the Department of Aging, and upon statutory authorization by the Legislature

Under existing law, the Senior Center Bond Act Fund is appropriated to the Controller for allocation for approved expenditures, as specified above

This bill would appropriate the sum of $3,508,767 20 from the Senior Center Bond Act Fund to the Controller for allocation, at the request of the Director of the Department of Aging, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 1234 (SB 190) Foran Fingerprint files. remote access network.

Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and to furnish it to specified persons, and requires the Attorney General to keep copies of fingerprints and to furnish them to the persons authorized to receive state summary criminal history information upon proper application.

This bill would include fingerprints in the definition of state summary criminal history information The bill would also require the Department of Justice and the Attorney General to develop a master plan, appoint an advisory committee, and otherwise provide for the implementation of an automated system of retaining fingerprint files, identifying fingerprints, and providing local agencies with direct access to fingerprint files.

The bill would appropriate $7,000,000 to the department for the purchase of equipment and services, and for expenses, as specified The bill would provide procedures for counties to receive equipment and would provide for sharing the cost of the system between the state and the local government entity. The bill would also provide for the optional independent procurement of equipment by counties, as specified The bill would provide for annual status reports by the Attorney General to the Legislature, as specified

This bill also makes additional changes proposed by AB 1587, to be operative only if AB 1587 and this bill are both chaptered and become effective on January 1, 1986, and this bill is chaptered after AB 1587

Ch 1235 (SB 1118) Foran Air pollution motor vehicles

(1) Under existing law, the State Air Resources Board is required to adopt and implement emissions standards for new motor vehicles and to certify motor vehicles meeting the standards. Any person who is a resident of, or operates an established place of business within, the state is prohibited from importing, delivering, purchasing, renting, leasing, acquiring, or receiving new motor vehicles that are not certified.

This bill would exempt any motor vehicle having a certificate of conformity issued

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pursuant to the Clean Air Act and originally registered in another state by a resident of that state from the above provisions if the person subsequently establishes residence in this state. The bill would require the Department of Motor Vehicles to register these motor vehicles in this state if satisfactory evidence is provided. These provisions of the bill would become operative 180 days after the state board adopts regulations for the certification of new direct import vehicles, as defined.

(2) Under existing law, new motor vehicles sold in the state are required to meet emission standards adopted by the state board prior to sale to ultimate purchasers. A motor vehicle, other than a motorcycle, with an odometer reading of 7,500 miles or more is conclusively presumed to have been transferred to an ultimate purchaser.

This bill would instead provide that, with respect to new direct import vehicles, those vehicles which are at least 2 years old, based on specified data, are conclusively presumed to have been transferred to an ultimate purchaser. These provisions of the bill would become operative 180 days after the state board adopts regulations for the certification of new direct import vehicles

(3) Under existing law, the state board may impose fees on manufacturers of motor vehicles to recover the state board's costs in conducting surveillance of emissions from new motor vehicles prior to their retail sale.

This bill would require the state board to adopt a certification program for new direct import vehicles, would prohibit a bonding requirement of more than $1,000 for each new direct import vehicle or engine, and would require the state board to impose fees to recover the state board's cost of administration of the program the state board establishes to certify these motor vehicles. The bill would require any fees collected to be deposited in the Air Pollution Control Fund.

(4) Under existing law, the registration card for a motor vehicle is required to contain specified information.

This bill would require the registration card to identify a motor vehicle manufactured outside of the United States and not intended by the manufacturer for sale in the United States.

(5) Existing law authorizes the Department of Motor Vehicles to suspend or revoke the license of a dealer, transporter, manufacturer, or distributor for commission of specified acts

This bill would authorize the department to suspend or revoke these licenses for violations of provisions relating to new direct import vehicles added by the bill.

Ch 1236 (SB 400) Keene. Fisheries restoration.

(1) Existing law generally provides for the restoration of fishery resources and their habitat.

This bill would enact the Fisheries Restoration Act of 1985 to create the Fisheries Restoration Account in the Fish and Game Preservation Fund. The bill would appropriate the money in the account for each of the 1985–86 and 1986–87 fiscal years to the Department of Fish and Game for expenditure for the construction, operation, and administration of projects designed to maintain and primarily to restore fishery resources and their habitat that have been damaged by past water diversions and projects and other development activities. The department would be prohibited from authorizing any expenditure for a project for these purposes until 30 days after it furnishes a copy of the proposal for the project to be funded to the Joint Committee on Fisheries and Aquaculture and to the Joint Legislative Budget Committee. Priority for funding would be required to be given to projects that employ those who are unemployed or underemployed due to the elimination of a commercial fishing season as a result of restrictions imposed by federal regulation The bill would require the ~~department~~ [Director of Fish and Game]* to consult with specified advisory committees and agencies in developing and determining projects proposed for funding

The bill would require the California Water Commission, in any recommendation it may make to Congress on funding for water projects, to include recommendations for studies, programs, and facilities necessary to correct fish and wildlife problems caused by federal water facilities and operation, specifically including specified facilities

(2) Under existing law, state water projects are required to be planned and constructed with features for the preservation and enhancement of fish and wildlife as the Department of Water Resources determines necessary or desirable. For the purpose of

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recreation and fish and wildlife enhancement in connection with specified water projects, among other funds, $5,000,000 is allocated annually to the Central Valley Water Project Construction Fund from revenues, moneys, and remittances received by the State Lands Commission. Additionally, $25,000,000 is allocated annually from those revenues, moneys, and remittances to the California Water Fund and continuously appropriated for use for the State Water Resources Development System. Funds expended from the California Water Fund for construction of the State Water Resources Development System are required to be reimbursed from revenues of the system, subject to specified priorities

This bill would additionally allocate $5,000,000 for each of the 1985–86 and 1986–87 fiscal years of those revenues, moneys, and remittances for transfer to the Fisheries Restoration Account after the allocation to the California Water Fund but before the allocation to the Central Valley Water Project Construction Fund.

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

Ch. 1237 (AB 177) Allen. School finance.

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, including a prescribed equalization adjustment for the 1984–85 fiscal year only

This bill would prescribe a revenue limit equalization adjustment for the 1985–86 fiscal year. This bill would specify that funding received for increasing the school year and the amount of instructional time offered, for increasing minimum teacher salaries, or for mentor programs, shall not be included for purposes of computing the equalization adjustments.

The Budget Act of 1985 specifies the method for calculating the base revenue limit for the 1985–86 fiscal year

This bill would amend the Budget Act of 1985 by adding the equalization adjustment as specified by this bill to the other elements of the calculation of the base revenue limit for the 1985–86 fiscal year

This bill would appropriate $21,000,000 to the Superintendent of Public Instruction for the 1985–86 fiscal year for purposes of these revenue limit equalization adjustments

This bill would state the legislative intent to make changes in state apportionments to school districts in the 1985–86 fiscal year and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year

This bill would incorporate additional changes in Section 42238 of the Education Code, proposed by AB 998, to become operative at the same time as AB 998 only if both this bill and AB 998 are chaptered and become operative on or before January 1, 1986, and this bill is chaptered last

This bill would take effect immediately as an urgency statute.

Ch. 1238 (AB 481) Moore Telecommunication experiments

Existing law requires the Department of General Services to provide advice to state and local agencies concerning existing or proposed communications facilities between federal, state, and local agencies and to recommend to appropriate state and local agencies regulations, procedures, and methods of operation it deems necessary to effectuate the most efficient and economical use of publicly owned and operated communications facilities within the state.

This bill would require the department to report to the Legislature and the Governor, on January 31, 1986, on the status of experiments which it is conducting in the use of telecommunications and information systems for telecommuting and teleworking

Ch. 1239 (AB 514) Frazee. Local government. records.

(1) Existing law, with respect to the service of a subpoena duces tecum, requires the original affidavit upon which the subpoena is based to be filed with the court in which the action is pending prior to the time designated for the appearance of the witness and the production of the matters and things described in the subpoena. In the case of a subpoena duces tecum which requires appearance and the production of matters and things at the taking of a deposition, existing law requires the original affidavit to be filed not less than 5 days before such designated time, unless the court otherwise orders.

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This bill would delete these requirements, and require the party causing the subpoena to be served to retain the original affidavit until final judgment in the action, and to file the affidavit with the court only upon reasonable request by any party or witness affected thereby

(2) Existing law requires a report of each school district audit for the preceding fiscal year to be filed with the county clerk and the county superintendent of schools, the Department of Education, and the Department of Finance not later than November 15. Existing law requires the Department of Finance to make arrangements for the audit if the governing board or county superintendent of schools fails to make satisfactory arrangements for the audit.

This bill would delete the requirement that these reports be filed with a county clerk, and would require that reports previously filed with a county clerk be disposed of by the county clerk or returned to the respective superintendent of schools. The bill would require that the reports be filed with the Controller rather than the Department of Finance. This bill would require the Controller rather than the Department of Finance to make arrangements for the audit when the governing board or county superintendent fails to do so.

(3) Existing law limits the total fee which may be charged for filing a first paper in an action on behalf of any defendant, intervenor, respondent, or adverse party, whether separately or jointly. Existing law also provides that the term "paper" for those purposes does not include certain documents.

This bill would further provide that the term "paper" for those purposes does not include specified stipulations to modify marital settlement agreements. The bill would also incorporate changes in these provisions made by Chapter 96 of the Statutes of 1985

(4) Existing law provides for the annual renewal of conservatorship of a person who is gravely disabled and requires the clerk of the superior court to notify each conservator, his or her conservatee, the person in charge of the facility in which the person resides, and the conservatee's attorney at least 60 days before the termination of the one-year period. The prescribed Notice of Termination of Conservatorship provides for the signature of the judge of the superior court.

This bill would revise the prescribed Notice of Termination of Conservatorship to provide instead for the signature of a deputy clerk of the superior court, thereby imposing a state-mandated local program by adding to the duties of the office of the clerk of the superior court

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1240 (AB 668) Bronzan. International trade.

Existing law provides for a California State World Trade Commission with specified duties concerning the expansion of international trade and international tourism as it relates to California.

This bill would require the commission to review, analyze, and make recommendations regarding California statutes, rules, and regulations which have been identified as significant trade barriers for the state's agricultural commodity exporters. The commission also would be required to catalogue significant agricultural trade barriers imposed by nations of the Pacific Rim. The identification of the areas for review shall come from the commission's Advisory Council's Subcommittee on Agricultural Trade, the Chairperson of the Assembly Committee on Agriculture, and the Chairperson of the Senate Committee on Agriculture and Water Resources

This bill would also require that no later than June 30, 1986, the commission would report all findings and recommendations made pursuant to this review to the Governor, the Lieutenant Governor, the Secretary of State, the Senate Rules Committee, and the Speaker of the Assembly.

This bill would appropriate $50,000 for purposes of the bill.

In addition, the bill would take effect immediately as an urgency statute.

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Ch. 1241 (AB 484) Floyd. Peace officers.

Existing law provides that various public employees are peace officers with prescribed powers and duties.

This bill would provide that the Deputy Director for Security and all lottery security personnel of the California State Lottery are peace officers, as specified.

The bill would take effect immediately as an urgency statute.

Ch 1242 (AB 240) Agnos. Boxing.

Existing law requires each boxer to be examined by a physician prior to each boxing contest, as specified

This bill would, in addition, on and after July 1, 1986, require each boxer to be examined by a physician specializing in neurology or neurosurgery as a condition of licensure or for the renewal of a license if the boxer has boxed within the previous year The bill would provide that the cost of these examinations would be paid from assessments on promoters of professional boxing matches, at a rate set by the State Athletic Commission, without the requirement of adoption of regulations, as specified

This bill would create the Boxer's Neurological Examination Account in the General Fund, the moneys of which would be available for encumbrance upon appropriation by the Legislature to cover the costs associated with the bill

This bill would also add a section of a different number with identical provisions if SB 1324 is chaptered.

Ch. 1243 (AB 20) Elder Public resources: land acquisitions and exchanges.

(1) Under existing law, the Budget Act of 1985 appropriates moneys from the Coastal Conservancy Fund of 1984 to the State Coastal Conservancy for local assistance grants and requires that $475,000 of those funds be available for the Aliso Greenbelt Visitor/Nature Center in Orange County.

This bill would, instead, require the conservancy to give high priority to funding that project

(2) Under existing law, the Budget Act of 1985 appropriates $3,000,000 from the Coastal Conservancy Fund of 1984 to the conservancy and $3,555,000 from the Parklands Fund of 1984 to the Department of Parks and Recreation for acquisiton of Cascade Ranch, subject to various provisos

This bill would amend and supplement the Budget Act of 1985 to make the appropriation to the conservancy subject to an additional proviso that the purchase price for any portion of the ranch not exceed the fair market value of the parcel, as determined by the conservancy and to revise a proviso authorizing the coastal access lands acquired pursuant to the appropriation for Cascade Ranch to be leased to a private person for the operation of a public campground, rather than to a private camp operator. The bill would require the department to make lands acquired by it available for public use as soon as possible after its acquisition and would make specified requirements applicable to the conservancy with respect to lands acquired by it, including developing water resources for lands in agricultural production and leasing or selling those lands with the water resources to private parties. The bill would also authorize the conservancy to retain or transfer to the department interests in the property acquired by the conservancy which are necessary for water development for, or reasonable access to, state park system property or which is appropriate for the public use of historic structures The bill would also provide that any future acquisitions, except by the Department of Transportation, in a specified area be from willing sellers only

(3) Under existing law, the Department of Forestry manages state forests owned by the state.

This bill would appropriate $270,000 from the Special Account for Capital Outlay in the General Fund to the department for acquisition of a 60-acre inholding to be added to and managed as part of the Mountain Home Demonstration Forest in Tulare County.

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

Ch 1244 (AB 41) Margolin. Developmental disabilities State Council on Developmental Disabilities

Under existing law, the State Council on Developmental Disabilities is required to meet at least monthly.

This bill would instead require that the council meet at least 9 times each year It would also change the composition of the council

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The bill would delete certain obsolete provisions.

The bill would state that specified provisions are intended by the Legislature to secure full compliance with the requirements of the federal Developmental Disabilities Assistance and Bill of Rights Act of 1975, as amended

Ch 1245 (AB 1858) Wright. Hazardous waste facilities

(1) Existing law defines storage facility as a hazardous waste facility at which hazardous waste is contained for a specified amount of time

This bill would redefine storage facility to include facilities where a specified amount of hazardous waste is stored and would specify when the time period begins for determining whether an onsite facility is a storage facility

(2) Existing law requires the State Department of Health Services to, among other things, maintain a technical reference center on hazardous waste

This bill would require the department to additionally develop and implement an industry education program

The department would also be required to enter into contracts or agreements to establish specialized training programs to instruct businesses and other entities on compliance with hazardous waste control statutes and regulations and to develop procedures for that purpose by March 31, 1986

The bill would appropriate $150,000 from the Hazardous Waste Control Account in the General Fund to the department to carry out those duties

(3) Existing law requires operators of specified hazardous waste facilities, including waste storage areas, to obtain a hazardous waste facilities permit if they conduct various activities at that facility, including storing hazardous wastes for more than 90 days at an onsite facility or 96 hours at an offsite facility

This bill would include storage facilities within these requirements, would delete waste storage areas from these requirements, and would delete the requirement that the waste be stored for a specified period of time at these facilities.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by imposing new requirements on cities, counties, and districts which store hazardous waste and by creating new crimes concerning the storage of hazardous waste.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason

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

Ch 1246 (AB 58) Felando Transit. elderly and handicapped

Existing law provides that the Department of Aging shall administer various nutrition and social services programs provided for in state and federal law. Frequently, funds are allocated by the department pursuant to plans covering planning and service areas designated by the Department of Aging, with these plans being developed as part of a state plan, by area agencies on aging designated by the department

This bill would require the department to report to the Legislature by October 1, 1987, on the need for transportation services for older persons

Ch 1247 (AB 71) Bane California State Lottery. minors

Existing provisions of the California State Lottery Act of 1984 prohibit the sale of tickets or shares in lottery games to persons under the age of 18 years, and prohibit the paying of any lottery game prize to any person under the age of 18 years

This bill, in addition, would provide that all tickets or shares in lottery games shall include, and any devices which dispense tickets or shares in lottery games shall have

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posted in a conspicuous place thereupon, a notice which declares that state law prohibits the selling of a lottery ticket or share to, and the payment of any prize to, a person under the age of 18 years.

This bill would take effect immediately as an urgency statute.

Ch. 1248 (AB 107) Peace. California Highway Patrol: Off-Highway Vehicle Fund: fees: appropriation.

(1) Under existing law, until December 31, 1985, a $1 fee is required to be paid on registration or renewal of registration of specified motor vehicles. The revenues are deposited in the California Highway Patrol Law Enforcement Account in the State Transportation Fund, to be available for appropriation for expenditure to increase the uniformed field strength of the Department of the California Highway Patrol This account is eliminated and the funds remaining in it are to be transferred to the Motor Vehicle Account in that fund on June 1, 1986. Under existing law, specified fees are required to be paid to the Department of Motor Vehicles for the issuance or renewal of identification of specified off-highway motor vehicles, of which $5 are deposited in the Motor Vehicle Account, until January 1, 1988, $6 are deposited in the Off-Highway Vehicle Fund, and $4 are deposited in the Off-Highway License Fee Fund.

This bill would increase the total fees by increasing the $5 fee deposited in the Motor Vehicle Account to $9, and by imposing a fee of $1 to be deposited in the Motor Vehicle Account, thereby imposing a tax for purposes of Article XIII A of the California Constitution. The additional $1 fee deposited in the account would be available for appropriation to offset the cost of maintaining the uniformed field strength of the Department of the California Highway Patrol.

These provisions of the bill would become operative only if AB 1201 is enacted and would become operative at the same time AB 1201 takes effect.

(2) Under existing law, the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation administers the State Vehicular Area and Trail System.

This bill would appropriate $40,000 from the Off-Highway Vehicle Fund to the department for a grant to the County of San Diego for the preparation of an environmental impact report for the proposed Otay Mesa off-highway vehicle site if there is a positive finding in the feasibility study being conducted by the county

Ch. 1249 (AB 116) Peace. Public Utilities Commission. inspection of books and records

(1) Under existing law, the Public Utilities Commission, in the exercise of its jurisdiction over public utilities and carriers, may inspect the books, records, and papers of these businesses.

This bill would, in addition, permit the commission to inspect the books, records, and papers of a business which is an affiliate or subsidiary of a telephone corporation as to any transaction between the corporation and the subsidiary or affiliate or any matter affecting the corporation's rates or expenses.

(2) Under existing law, no information furnished the commission by any public utility, other than information required to be open to public inspections, may be made public except on order of the commission or by the commission or a commissioner pursuant to a hearing or proceeding, and any commission officer or employer violating this prohibition is guilty of a misdemeanor.

This bill would extend this prohibition to information furnished by any subsidiary or affiliate of a public utility, and would make the prohibition applicable to former, as well as present, commission officers and employees, thereby creating a new crime as to these former officers and employees.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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Ch. 1250 (AB 128) Hill Horseracing tapes Arabian horses· taxation.

(1) Existing law does not expressly prohibit the use of tapes of a quarter horse race for commercial purposes.

This bill would prohibit any person from furnishing or using a tape of a quarter horse race occurring in the state for any commercial purpose without first securing the consent of the racing association conducting the meeting, the organization representing the horsemen participating in the meeting, and the California Horse Racing Board, thus imposing a state-mandated local program by creating a new crime. The bill would authorize any person whose consent is required to file and maintain an action in superior court against the furnishing or commercial use of a quarter horse race tape or a harness horse race tape in violation of the bill

(2) Existing law requires a portion of Appaloosa horse purses at fair meetings to be paid as owner's premiums for California-breds winning at the meetings.

This bill would require a portion of Arabian horse purses at fair meetings to be paid as owner's premiums for California-breds winning at the meetings.

(3) Existing law, for purposes of taxation of racehorses, defines "racehorse," but excludes from that definition any horse over 3 years old that has not participated in a horserace or been used for breeding purposes to produce racehorses during the 2 previous calendar years

This bill would, for purposes of that exclusion, raise the age limit for Arabian horses to 4 years and would state legislative intent.

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

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

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

Ch. 1251 (AB 223) Peace Water service: residential: charges.

Under existing law, residential water service is furnished in certain areas of the state by water corporations subject to the jurisdiction and control of the Public Utilities Commission and in other areas by municipal or other public agencies or districts subject to the control of their governing bodies or boards of directors Charges for furnishing water are generally levied against the actual user, but in some instances may be levied against the landlord or property owner.

This bill would prohibit any water corporation, municipality, district, or other public agency furnishing water for residential use to a tenant to seek to recover charges or penalties for the furnishing of water to or for the tenant's residential use from any subsequent tenant because of the nonpayment of charges by a previous tenant, but would permit the corporation, municipality, district, or public agency to require that service to subsequent tenants be furnished on the landlord's or property owner's account.

Ch. 1252 (AB 206) Peace. Pupil health.

Existing law requires the governing board of a school district to provide for the screening of pupils in specified grades for the condition known as scoliosis.

This bill would require the State Department of Education to conduct a study, as specified, and report its findings to the Legislature on the scoliosis screening program on or before September 1, 1986.

Ch. 1253 (AB 349) Harris. San Francisco Bay Area Rapid Transit District.

Under the San Francisco Bay Area Rapid Transit District Act, the board of directors of the San Francisco Bay Area Rapid Transit District consists of 9 members who are elected by election districts The board is required to adopt a resolution establishing the 9 election districts and to adjust the boundaries of the election districts following each federal decennial census and annexation of territory, except that the initial boundaries of the election districts were statutorily prescribed in 1974.

This bill would delete the obsolete provisions which prescribed the boundaries of the election districts in 1974

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Ch 1254 (AB 302) McAlister. Workers' compensation: disability

Existing workers' compensation law provides that whenever any specified public safety officer is disabled by injury or illness arising out of and in the course of the employment, he or she is 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, not exceeding one year, or until such earlier date as he or she is retired on permanent disability pension, and is actually receiving disability pension payments.

This bill would, in addition, permit any city, county, special district, or harbor district which is a member of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937, to make advanced disability pension payments, under specified conditions, to any local safety officer who has qualified for the above benefits and is eligible for a permanent disability pension. This bill would also require the Public Employees' Retirement System to deduct the amount of advanced disability pension payments made to a local safety member from the member's retroactive disability allowance, and up to 10% of the member's monthly disability allowance, to reimburse the local agency which made the advanced disability pension payments.

This bill would remain in effect only until January 1, 1990, and as of that date would be repealed.

This bill would incorporate additional changes in Section 20022 of the Government Code proposed by SB 843 and SB 1203, contingent upon the enactment of those other bills.

The bill would take effect immediately as an urgency statute.

Ch. 1255 (AB 151) Hill Horseracing· license fees, commissions, and purses.

(1) Under existing law, every association conducting a horseracing meeting with parimutuel wagering is required to deduct specified amounts from conventional and exotic parimutuel pools and to distribute the amounts deducted for license fees, commissions, and purses, as prescribed by the Horse Racing Law An association conducting harness, quarter, or Appaloosa horse meetings with an average daily handle of $650,000 or less has a different split of an additional authorized 3% of the parimutuel pool between commissions and purses than associations conducting a meeting with an average daily handle of more than $650,000

This bill would raise the daily handle for that purpose from $650,000 to $750,000

(2) Under existing law, special license fees are also paid by quarter horse associations in the northern zone which conducted meetings prior to January 1, 1979.

This bill would authorize these associations to deduct an additional amount up to 1% of its conventional and exotic parimutuel pools for distribution as commissions The association would also be authorized to deduct an additional 1% from its exotic parimutuel pool for commissions and purses The bill would make other related changes.

(3) Under existing law, a racing week is 7 consecutive days during which an association is authorized by the Horse Racing Board to conduct horse racing for a minimum of 5 days

This bill would authorize the board to allocate racing weeks of 4 days for quarter horse racing in the northern zone upon a specified agreement to that allocation The bill would repeal this provision effective January 1, 1989, unless a later enacted statute, which is enacted before January 1, 1989, deletes or extends that date.

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

Ch. 1256 (AB 144) Naylor. Driving offenses. blood-alcohol concentration

(1) Under existing law, a person convicted of driving under the influence of an alcoholic beverage or drugs, or both, with an excessive blood-alcohol concentration, or when addicted, is required to be sentenced, as specified, and may be granted probation by the court. If granted probation, the time of probation is required to be 3 years, and the terms and conditions of probation are required to include at least specified incarceration periods, minimum fines, and, for some 1st and 2nd offenders, specified drivers' license restriction instead of suspension, which minimum terms vary with the number of convictions of prior offenses occurring within 5 years of the offense

This bill would require the court to consider a blood-alcohol concentration of 0 20% of, or a refusal to take a chemical test by, a person convicted of any of those offenses as a special factor which may justify enhancing the penalties, or determining whether probation is granted, and, if granted, in determining the terms and conditions of probation

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(2) The bill would also require the Department of Motor Vehicles to compile and provide an interim report regarding specified statistics to the Legislature on December 31, 1985, or within 6 months after the effective date of the bill, whichever is later, and provide a final report regarding specified statistics to the Legislature on June 30, 1986, or within 12 months after the effective date of the bill, whichever is later

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

Ch 1257 (AB 344) Condit Crime sexual battery and molestation.

Existing law provides that when any person touches an intimate part, as defined, of another person while that person is unlawfully restrained by the accused or an accomplice, against the will of the person touched and for the purpose of sexual arousal, gratification, or abuse, the act is a criminal offense of sexual battery The word "touches" is defined to mean the physical contact with the skin of another person

This bill would revise the definition of the word "touches" to include the physical contact, whether directly or through the clothing of the person committing the offense

Existing law provides that to the extent that funds are appropriated in the 1985–86 Budget Act, the Office of Criminal Justice Planning shall award funds to 3 counties for a pilot project to test a program providing treatment of child sexual abuse perpetrators. In addition, existing law provides that the Office of Criminal Justice Planning shall not utilize for administrative expenses more than 5% of the funds which are appropriated for the pilot projects

This bill would delete reference to the 1985–86 Budget Act and would delete the 5% administrative expense restriction

Existing law provides that in the trial of a capital case an indigent defendant, through the defendant's counsel, may request the court for funds for the specific payment of investigators, experts, and others for the preparation or presentation of the defense If the court approves the application for funds the county may receive reimbursement of those costs from the Controller.

This bill would require the Controller to adopt regulations controlling reimbursements to counties The regulations would be required to consider compensation for investigators, expert witnesses, and other expenses that may or may not be reimbursable The Controller would be required to follow the regulations until final approval by the Office of Administrative Law

This bill would make additional changes proposed by AB 224, to be operative only if AB 224 and this bill are both chaptered and become effective on January 1, 1986, and this bill is chaptered after AB 224.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by revising the elements of a crime to make more acts criminal

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1258 (SB 972) Nielsen. Hazardous substances abandoned sites

Under existing law, the moneys in the Hazardous Substance Account ("California Superfund") and the Hazardous Substance Cleanup Fund may generally be used for removal and remedial actions in response to a release of a hazardous substance The State Department of Health Services is required to publish and revise, at least annually, a priority ranking of sites for remedial action.

This bill would require the department to establish an abandoned site program to survey counties where abandoned site surveys have not been completed, and would direct the department to develop protocols and procedures for conducting a survey, notify specified agencies of specified matters in this connection, conduct a field assessment of certain sites, rank the assessed sites, and carry out specified related duties The bill would require the department to report to the Legislature by April 1, 1986, on the progress of the survey

The bill would take effect immediately as an urgency statute

NOTE: Superior numbers appear as a separate section at the end of the digests.

Ch. 1259 (AB 723) Campbell. Streamflow requirements.[7]

(1) Under existing law, the Director of Fish and Game is required to prepare proposed streamflow standards for specified streams, to transmit the proposed requirements to the State Water Resources Control Board, and to complete the preparation of proposed standards for all streams on the initial identification list by January 1, 1986.

This bill would, instead, require the director to prepare proposed streamflow requirements in cubic feet of water per second and to complete preparation of proposed requirements for the initial streams by July 1, 1989. The bill would require the director to initiate studies to develop those requirements for those streams or watercourses in each fiscal year for which funds are appropriated and to complete studies on each stream or watercourse within 3 years The bill would declare legislative intent that the department develop a program that will initiate studies on at least 10 streams or watercourses in each fiscal year. The bill would authorize the Department of Fish and Game to contract for temporary services to prepare proposed streamflow requirements.

(2) Under existing law, the State Water Resources Control Board grants permits and licenses, upon conditions it may deem necessary, to appropriate unappropriated water. In determining the amount available for appropriation, the board is required to take into account, when it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources, and consider relative benefits of use of water, as specified.

This bill would require the board, in acting upon applications to appropriate water, to consider the streamflow requirements proposed by the department and would authorize the board to establish streamflow requirements it deems necessary to protect fish and wildlife as conditions in permits and licenses.

(3) The bill would appropriate $1,000,000 to the department, with $500,000 from the General Fund and $500,000 from the California Environmental License Plate Fund, for the 1985-86 fiscal year, for the purpose of developing proposed streamflow requirements

Ch. 1260 (SB 316) Craven. Mobilehome parks: conversion, closure, cessation of use.

(1) Existing law requires a person or entity proposing to convert a mobilehome park to another use to file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted, and provide each resident of the park with a copy of the report Existing law requires the local legislative body or advisory agency to review the report and permits the legislative body or advisory agency to require the person or entity proposing the conversion to take steps to mitigate any adverse impact of the conversion on the ability of displaced residents to find adequate space in another mobilehome park.

This bill would extend these existing requirements to proposals for the closure of a mobilehome park or for the cessation of use of the land as a mobilehome park, unless the closure or cessation of use resulted from an adjudication of bankruptcy. By expanding the situations in which local agencies would be required to review proposals affecting mobilehome parks, the bill would impose a state-mandated local program.

The bill would require that a specified report be provided to a resident of each mobilehome in a mobilehome park, rather than to each resident of the mobilehome park. The bill would revise the factors required to be addressed by the report

In the case of an impact report on the closure or cessation of use of a mobilehome park, the bill would entitle a park resident or the entity filing the report to a hearing before the legislative body on the sufficiency of the report. In so doing, the bill would impose a state-mandated local program.

This bill would provide that the steps which a local agency may require to be taken to mitigate any adverse impact of the conversion, closure, or cessation of use on residents of a mobilehome park shall not exceed the reasonable costs of relocation.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 1261 (AB 1243) Duffy. Peace officers: courts.

Existing law provides for the marshal of the municipal courts for Sacramento County.

This bill would provide that, notwithstanding any other provision of law, the Board of Supervisors of Sacramento County may abolish the Sacramento County Marshal's Department and consolidate the services and personnel of the Sacramento County Marshal's Department into the Sacramento County Sheriff's Department, as specified.

This bill would make the consolidation of Sacramento County's Marshal's Department and Sheriff's Department inoperative on June 30, 1992, and would repeal it as of January 1, 1993 at which time the marshal's department would be reestablished in Sacramento County

Ch. 1262 (SB 757) Russell. Child abuse and neglect.

Existing law provides that in lieu of prosecuting a person who is suspected of violating laws in which a minor is a victim of an act of abuse or neglect, and 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. In the case of a person suspected of sexual abuse of a child, certain specified conditions must be complied with in order to make such a referral.

This bill would delete the requirement that the person be referred to the prosecuting attorney by the local police or sheriff's department.

Existing law requires a law enforcement agency to report known or suspected instances of child abuse to the county welfare department, to the agency having the responsibility for the investigation of cases coming within the provisions of the juvenile court law relating to dependent children, and to the district attorney's office, except as specified.

This bill would require that the law enforcement agency having jurisdiction over a case shall report to the county welfare department that it is investigating the case within 36 hours after starting its investigation. It would require the county welfare department or social services department to evaluate in writing what action or actions would be in the best interest of the child victim on or before the completion of the investigation and to submit them to the district attorney, as specified. It also would require the district attorney to deliver the written findings and the reasons therefor to the defendant in such a case or his or her counsel, or make them accessible to them, as specified In addition, the bill would require the local law enforcement agency having jurisdiction to report cases involving facilities licensed pursuant to specified provisions of the California Community Care Facilities Act or the California Child Day Care Act, as specified. All of these requirements would establish state-mandated local programs

Existing law requires the Commission on Peace Officer Standards and Training to prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned as investigation specialists for these crimes are required to successfully complete that training within 6 months of the date the assignment was made. Cities, counties, and districts not adhering to the standards established by the commission are ineligible for allocations from the Peace Officers' Training Fund.

This bill would provide that any officer assigned to investigation duties which include the handling of cases involving the sexual exploitation or sexual abuse of children must successfully complete the above specified training within 6 months of the date of the assignment.

Existing law requires the office of Criminal Justice Planning to provide a course of training for sexual assualt investigators at least once each year in both northern and southern California.

This bill would require the course to be offered at least twice each year.

The bill also would appropriate $30,000 from the General Fund to the Office of Criminal Justice Planning in augmentation of a specified item of the Budget Act of 1985

The bill also would incorporate additional amendments to Section 13516 of the Penal Code, made by AB 1988, contingent upon the enactment of AB 1988, as specified

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other

procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch. 1263 (AB 876) Katz. State agencies: forms control.

Existing law provides for the centralized management of forms used by the state and requires the Director of General Services, through the forms management center, among other things, to study, develop, coordinate, and initiate forms of interagency and common administrative uses, and to create and maintain, by January 1, 1984, a complete and comprehensive inventory of public-use forms used by the state.

This bill would require the Director of General Services to create and maintain a complete and comprehensive inventory of public-use forms used by the state, to establish and maintain an index of all public-use forms in current use by the state, and to assign a control number to all public-use forms in current use by the state. The bill would also specify when those functions shall be accomplished.

Existing law requires the Director of General Services to delegate implementing forms management action to state agencies where it would result in the most timely and economical method of accomplishing specified forms management responsibilities.

This bill would, instead, specify that the director may, through the forms management center, require any agency to revise any form the director determines is inefficient

This bill would also provide that, due to the need for tax forms to be available to the public on a timely basis, all specified tax forms prepared by the Franchise Tax Board for public use and the State Board of Equalization in its administration of state-assessed property, specified taxes, and surcharges shall be exempt from the requirements of the Director of General Services.

This bill would require each board to establish a goal to standardize, consolidate, simplify, efficiently manage, and to reduce the number of tax forms, to create and maintain a complete and comprehensive inventory of tax forms in current use by the board, to establish and maintain an index of all tax forms in current use by the board; and to report to the Legislature on its progress to improve the effectiveness and efficiency of all tax forms.

This bill would make statements of intent and findings and declarations regarding the use of government forms currently in use in California.

In addition, this bill would provide that existing resources of the Department of General Services, the Franchise Tax Board, the State Board of Equalization, and departments which may be delegated authority, as specified, shall be used to implement this bill

Ch 1264 (SB 288) Maddy Controlled substances: mushrooms.

Existing law requires every person who is convicted of specified controlled substance offenses to pay a $50 criminal laboratory analysis fee in addition to any other penalty prescribed by law and requires the county treasurer to deposit $50 into a criminalistics laboratories fund for each such conviction.

This bill would add additional specified offenses to the above offenses requiring payment and deposit of the $50 fee, thereby imposing a state-mandated local program.

The California Controlled Substances Act regulates various controlled substances, as defined, with respect to, among other things, their manufacture, sale, furnishing, and use Existing law also provides various penalties for violation of that act

This bill would add to the act by providing that any unauthorized person who cultivates any spores or mycelium capable of producing mushrooms or other material containing a specified controlled substance shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison, thereby imposing a state-mandated local program by creating a new crime

This bill would also prescribe the same sentence for any person who, for the purpose

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of facilitating such a violation, offers to or does transport, import into the state, sell, furnish, or give away any spores or mycelium capable of producing mushrooms which contain specified controlled substances

This bill would authorize the acquisition of spores or mycelium capable of producing mushrooms or other material which contains psilocyn or psyoclyin for use in bona fide research, instruction, or analysis, if not in violation of federal law, and if the research, instruction, or analysis is approved, as specified, by the Research Advisory Panel

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch 1265 (AB 1511) N. Waters. Watermelons: pesticides.

Existing law does not specifically relate to claims for financial relief of farmers, shippers, brokers, wholesalers, and retailers who suffered losses due to the confiscation and destruction of watermelons during the summer of 1985 necessitated by the misuse of pesticides on watermelon crops.

This bill would require the State Board of Control to consider or reject payment of claims of those persons filed on or before December 1, 1985, arising out of this situation and approved by the board following certification by the Director of Food and Agriculture. The bill would also specify certain reporting requirements of the board in this connection, and would make related legislative findings and declarations

Ch 1266 (AB 1093) Wright. Insurance· policy· fraud.

(1) Existing law does not require that the cancellation of automobile insurance policies or any change in those policies which are executed by an insurer, at the request of the named insured, be binding upon any other insured or named insured designated on the declarations page of the policy.

This bill would impose that requirement unless the particular policy provides otherwise. It would also provide for mailing or delivery of notice of cancellation or an endorsement evidencing the named insured's request, as specified

(2) Existing law, generally, prohibits insurance fraud, and the Insurance Commissioner and the Bureau of Fraudulent Claims in the Department of Insurance are given various duties and responsibilities relative to fraudulent insurance claims, including the furnishing of all papers, documents, reports, complaints, or other facts or evidence to any police, sheriff or other law enforcement agency, when so requested Existing law additionally authorizes a governmental agency, as defined, to obtain from an insurer relevant information as to motor vehicle theft or motor vehicle insurance fraud

This bill would additionally require an insurer to release to an authorized governmental agency, as defined, relevant information, except medical information not otherwise authorized for disclosure, deemed important relating to other types of insurance fraud The bill would also provide that no insurer or authorized governmental agency shall be subject to civil liabilities, as specified, for releasing or receiving the information.

The bill would also require any or all information released or received by an authorized governmental entity to be provided by that agency to the Bureau of Fraudulent Claims, thus imposing a new duty on local governmental agencies and creating a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1267 (AB 1190) Clute. Cities: governing bodies· vacancies.

Existing law provides for an elected city council as the governing body of a general law city, and requires that a vacancy on the council be filled either by appointment by

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the council within 30 days or by special election called by the council. Alternatively, the law allows cities to require, by ordinance, that a special election be called immediately to fill every city council vacancy

This bill would require that vacancies occurring on the city council of a general law city be filled by election, rather than by appointment by the city council, if filling the vacancy by appointment would result in a majority of the members serving on the body having been appointed.

Ch. 1268 (AB 1049) Papan. Pilots: San Francisco, San Pablo, and Suisun Bays

Existing law establishes a San Francisco Pilot Pension Plan and provides that retired or disabled pilots shall receive, as a monthly pension, an amount which is $80 multiplied by the number of years of service. Existing law requires a pilot to serve at least 5 years and be at least 60 years of age to be eligible for a pension

This bill would increase the $80 amount to $85, and would require a pilot to serve at least 10 years or attain 62 years of age, whichever occurs first, and be at least 60 years of age to be eligible to receive a pension.

Ch. 1269 (AB 1039) Jones. Occupational safety and health: citations.

Existing law requires the Division of Occupational Safety and Health to issue a citation to an employer if, upon inspection or investigation, the division believes that an employer has violated any occupational safety and health standard, rule, order, or regulation. However, in the event the violations found in an inspection or investigation do not have a direct relationship upon the health or safety of an employee a "notice" in lieu of citation may be issued with respect to that violation.

This bill would, in addition, permit the division to issue a "notice" in lieu of citation if the violations do not have an immediate relationship to the health or safety of an employee, and are of a general or regulatory nature, and the employer agrees to correct the violations within a reasonable time and not to appeal the finding of the division that the violations exist.

This bill would also prohibit the issuance of a notice in lieu of a citation if the violations are serious, repeated, willful, or arise from a failure to abate, or if the number of first instance violations found in the inspection is 10 or more violations

This bill would require the division to analyze the impact of utilization of the notice in lieu of citation permitted by this bill by evaluating relevant criteria, and to report its findings to the Legislature by February 15, 1988.

Ch 1270 (AB 980) Hauser. Burning contracts and experimental forest land.

(1) Existing law authorizes the Department of Forestry to enter into a contract with the owner of land for prescribed burning of land for designated purposes, and in this connection requires the department to purchase a third party liability policy of insurance

This bill would authorize, rather than require, the purchase of the insurance, and would authorize the department to indemnify the person or public agency so contracting with the department.

(2) The Z'berg-Nejedly Forest Practice Act of 1973 requires the filing of timber harvesting plans and sets forth stocking standards for timber operations.

This bill would allow testing under that act on a specified 35-acre site in Mendocino County and would exempt the site from any stocking requirements.

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

Ch. 1271 (AB 955) Peace. Delta levee failure plan.

(1) Existing law provides for the design, construction, operation, and maintenance by the Department of Water Resources of specified water development facilities as part of the state water project. The federal government also operates certain water development facilities as part of the Central Valley Project.

This bill would require the department to prepare an emergency plan which will allow the federal Central Valley Project and the state water project to continue exporting, or quickly resume exporting, usable water from the Sacramento-San Joaquin Delta in the event of the failure of one or more levees in the delta, and allow the East Bay Municipal Utility District and the Contra Costa Water District to continue delivering,

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or quickly resume delivering, usable water. The bill would require the emergency plan to include specified matters and would require the recommended emergency plan to be submitted to the Legislature by January 1, 1987, for consideration The bill would make legislative findings and declarations in this connection.

(2) Existing law makes various legislative findings concerning the delta, including that the physical characteristics of the delta should be preserved essentially in their present form

This bill would include findings that the Legislature recognizes that it may not be economically justifiable to maintain all delta islands and would revise other findings.

Ch. 1272 (AB 951) Jones. Water hydroelectric power development.

Under existing law, the State Water Resources Control Board is required to consider and act upon all applications for permits to appropriate water.

This bill would make legislative findings and declarations concerning the development of hydroelectric power.

The bill would require the board, when considering the economic feasibility of a proposed small hydroelectric power generating facility which is a "qualifying small power production facility" under Section 210 of the Public Utilities Regulatory Policies Act of 1978, and which is not on an existing dam, diversion, or canal, to make specified findings in the water right application proceedings. The bill would declare that emphasis on the development of small hydroelectric power generating facilities which are those "qualifying small power production facilities" shall be on existing dams, diversions, and canals, as specified.

The bill would not be applicable to projects with a nameplate capacity of less than 100 kilowatts.

Ch. 1273 (AB 905) D. Brown Property taxation· supplemental assessments: allocation of supplemental roll revenues.

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

Existing law provides for the method to be used by the county auditor in computing the amount of supplemental property taxes due or the amount of refund owing.

This bill would permit the auditor, as specified, to cancel the supplemental property taxes computed to be due if the amount of those taxes is $10 or less.

Existing law requires the auditor, following the computation of a refund to an assessee as the result of supplemental assessment, to make the refund within 30 days of the date of enrollment of the negative assessment on the supplemental roll

This bill would require the refund to be made within 90 days of the date of enrollment

Existing property tax law provides for the allocation of property tax revenues generated from increased assessments on the supplemental rolls by the county auditor to various local jurisdictions for the 1983–84 fiscal year and fiscal years thereafter. It requires the county auditor to make these allocations on a timely basis but not later than 10 working days after the close of the preceding monthly or 4-week accounting period.

This bill would require making these allocations for the 1984–85 fiscal year and fiscal years thereafter on a timely basis but no later than 30 calendar days after the close of the preceding monthly or four-weekly accounting period.

Ch. 1274 (AB 882) W. Brown. Minors.

Under existing provisions on interagency reponsibilities for providing services to handicapped children, the State Department of Health Services and the State Department of Mental Health are required to adopt regulations in specified fields relating to their jurisdiction.

This bill would require these regulations to be developed in consultation with the State Department of Education.

This bill would also require a description of these services to be included in the county Short-Doyle plan.

The bill would also require that the recommendation of certain qualified professionals

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who conducted the assessment after specified reviews and discussions, be the recommendation of the local educational agency. This bill would be a state-mandated local program by requiring the local educational agency to ensure a qualified substitute is available if the responsible public agency representative is not available to participate in the individual education program meeting.

Existing law provides that the State Department of Health Services or any designated local public health agency shall be responsible for medical services which are provided by a licensed physician and surgeon to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

This bill would delete this provision.

This bill would require referrals for medical services for special education pupils to be based on detailed written reports This bill would be a state-mandated local program by requiring the local education agency to provide for certain medical referrals

Existing law provides that parents shall not be liable for the costs of therapy treatment services provided by the State Department of Health Services or the State Department of Mental Health, when provided to a child in the public schools, if the services are necessary for the child to benefit from special education.

This bill would provide that parents shall not be liable for the costs of therapy treatment services as well as assessments, as specified, when rendered to a child referred by a local education agency for an assessment or a handicapped child with an individualized education program

Existing law requires local agencies affected by various requirements relating to special education programs to estimate expenditures which will be shifted to or from other agencies because of specified laws and makes other related requirements.

This bill would repeal that provision on July 1, 1986.

Existing law requires specified state agencies to develop regulations relating to certain aspects of special education programs by July 1, 1986. This bill would change the date to January 1, 1986.

Under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, aid is provided to a child who has been deprived of parental support, has been removed from the custody of a parent or guardian, and is under specified juvenile court orders or detention, or has been placed out of home pursuant to an individualized education program.

This bill would delete from these provisions of the AFDC-FC program, children placed out of home pursuant to an individualized education program and establish instead a separate program to pay for seriously emotionally disturbed children, who have been placed out of home pursuant to an individualized education program, as specified. This program would be funded from a separate appropriation in the budget of the State Department of Social Services. This bill would be a state-mandated local program by requiring payments to be issued by the county welfare department to residential care providers upon receipt of authorization documents from the State Department of Mental Health or a designated county mental health agency.

This bill would also require the Superintendent of Public Instruction and the Secretary of Health and Welfare to jointly do the following (1) prepare and implement within existing resources a plan for in-service training of specified state and local personnel and (2) submit a specified report to the Legislature and the Governor.

Under provisions on interagency responsibilities for providing services to handicapped children, local agencies are required to submit to the Department of Finance an estimate of any expenditure responsibilities which are, or will be, acquired by, or shifted from the agency. The Department of Finance is required to recommend in the annual Budget Act any adjustments necessary to implement these changes in responsibility for expenditures.

This bill would require state allocations in the 1986–87 fiscal year to be shifted only once the service has been included as a necessary part of the pupil's individualized education program and the service responsibility has been assumed by another local agency, as specified.

The bill would require the State Department of Social Services and the State Department of Education jointly to report to the Joint Legislative Budget Committee by January 1, 1988, regarding any growth in the number of severely emotionally disturbed

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children determined to need 24-hour out-of-home care as a result of specified legislation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would appropriate $1,600,000 from the General Fund to the State Department of Mental Health for the purposes of the act, as specified. It would require that expenditures made by a community mental health service designated by the State Department of Mental Health to provide prescribed services be financed on a basis of 100% [state funds]* during the period from March 1, 1986, to June 30, 1986

This bill would take effect immediately as an urgency statute

Ch. 1275 (AB 2002) M Waters Multifamily rental housing.

(1) Existing law requires the California Housing Finance Agency, within 90 days following the close of each fiscal year, to submit an annual report of its activities under the Zenovich-Moscone-Chacon Housing and Home Finance Act for the preceding year to the Governor, the Secretary of the Business and Transportation Agency, the Director of Housing and Community Development, the Treasurer, the Joint Legislative Budget Committee, and the Legislature

This bill would require the report to include additional information with respect to the proceeds derived by the agency from the issuance of bonds and securities.

(2) Existing law authorizes the California Housing Finance Agency and a city, county, and city and county to issue revenue bonds for the purpose of financing the construction or development of multifamily rental housing.

(A) Existing law requires not less than 20% of the total number of units in the multifamily rental housing development to be for occupancy by lower income households and that half of those reserved units be available for very low income households.

This bill would provide that the rental payments on units occupied by very low income households shall not exceed a specified percentage of the area median income.

(B) Existing law requires the entity issuing the bonds to require the housing sponsor to accept lower income households who are recipients of federal certificates for rent subsidies as tenants on the same basis as all other prospective tenants.

This bill would delete that requirement.

(C) Existing law requires the local agency issuing permits for multifamily rental housing developments to consider opportunities to contribute to the economic feasibility of the units through reductions in construction and design requirements, density bonuses, expedited processing, and other financial incentives.

This bill would require the local agency issuing permits to additionally consider other opportunities to contribute to the economic feasibility of the units, as specified This requirement would impose a state-mandated local program.

(D) Existing law requires the California Housing Finance Agency, city, or county to give priority to processing construction or mortgage loans or take other steps such as reducing loan fees for multifamily rental housing projects that contain units for occupancy by individuals and families whose income does not exceed a specified level or which provide substantial reductions in per unit cost, as determined by the agency, city, or county, based on efficiency of design or the elimination of improvements that are not required by applicable building standards

This bill would require those entities to give priority to processing construction and mortgage loans for developments which incorporate techniques that reduce development or operating costs and which have the lowest feasible per unit cost based on, in addition to the existing requirements, a reduction in the amount of local fees imposed on the development. The bill would require those entities to give equal priority to processing loans for developments which, among other things, utilize federal housing or development assistance, redevelopment funds, are sponsored by a nonprofit housing corporation, or which provide a significant number of housing units as part of a coor-

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dinated jobs and housing plan. The bill would impose a state-mandated local program by requiring cities or counties to give priority to those loans. The bill would permit the syndication of rental housing developments under certain circumstances.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1276 (AB 1185) M. Waters. Housing finance.

(1) The existing California Housing Finance Fund in the State Treasury contains all moneys accruing to the California Housing Finance Agency and the moneys in that fund are continuously appropriated to the agency to carry out the purposes of the agency.

Existing law requires the agency, subject to any agreements with bondholders, to utilize surplus moneys to provide special interest reduction programs, financial assistance for housing developments or subsidies for occupants or owners of those developments, or counseling programs.

This bill would declare the intent of the Legislature that the agency attempt to develop specific programs addressing the need for rental housing for lower income and very low income households, utilizing any interest earned on available surplus funds. The bill would require the agency to submit a report on the proposed programs to the Legislature by April 1, 1986

(2) Existing law authorizes redevelopment agencies and housing authorities to issue revenue bonds and make loans for residential construction and for multifamily rental housing and establishes eligibility criteria for the occupancy of those units.

This bill would require a specified percentage of units to be reserved for occupancy by persons whose income does not exceed a stated amount and would require that the rental rate in those units be adjusted for household size.

The bill would prohibit a redevelopment agency or housing authority from issuing any bonds for those purposes on or after January 1, 1986, until the Treasurer certifies to the Legislature that certain information required by existing law to be filed with the California Debt Advisory Commission has been so filed.

(3) Under existing law, redevelopment agencies operating in jurisdictions with populations in excess of 600,000 persons are granted special authority until January 1, 1986, to provide for multifamily rental units outside of a project area.

This bill would extend the period of this authorization to January 1, 1988.

Ch 1277 (SB 1317) Marks. Courts· Fees

(1) Existing law authorizes a board of supervisors, during a specified 90-day period every 2 years, to set the total filing fees, as defined, for the superior and municipal courts; and provides for an automatic adjustment of up to 6% in the total filing fees to reflect changes in the value of the dollar.

This bill would authorize the boards of supervisors in certain counties to set total filing fees prior to October 1, 1985, for the period October 1, 1985, to December 31, 1986, and would provide for an automatic adjustment in any county for the 2-year period covering 1985 and 1986 in excess of 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 specifies the compensation of official reporters pro tempore for the Superior Court in Marin County.

This bill would increase the compensation of official reporters pro tempore for the Superior Court in Marin County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law imposes a fee equal to the full per diem rate for official reporters pro tempore for the Superior Court in Marin County, which is charged to the parties to an action for the services of an official reporter for the 6th and each succeeding day a reporter is required, and is collected at the end of trial.

This bill would provide instead for such a court reporter's fee for the 3rd and each

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succeeding day a reporter is required, to be collected daily from each party on a pro rata basis, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program The bill would also require such fees to be taxed as costs, and would specify that provisions exempting public agencies from the payment of certain fees shall apply.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch. 1278 (AB 1697) Calderon. Child care and development programs.

(1) Existing law makes extensive provisions regarding the requirements for child care and development programs.

This bill would state legislative findings and declarations regarding the rapid growth of child care and development programs, and would state the legislative intent to provide for the review and clarification of statutory and regulatory requirements regarding these programs, and to promote and support the activities of the State Department of Education with respect to program and fiscal accountability and increased administrative efficiency.

(2) Existing law defines various terms for purposes of the provisions of current law relating to child care and development services.

This bill would add, revise, and delete various definitions in those provisions.

(3) Existing law requires child care resource and referral programs, for purposes of the Child Care and Development Services Act, to offer prescribed services and information.

This bill would require referrals made by resource and referral programs to be made to licensed facilities This bill would authorize referrals to unlicensed facilities to be made only if there is no requirement that the facilities be licensed. This bill would require these programs to include, among other services, at least 30 hours of weekly telephone referrals, as prescribed

(4) Existing law authorizes the State Department of Education to approve alternative payment programs for child care and development programs to allow for maximum parental choice.

Existing law specifies that upon approval of the State Department of Education, funds appropriated for child care and development services may be used for alternative payment programs to allow for maximum parental choice. Existing law prescribes the purposes for which alternative payment programs may be provided

This bill would include among the purpose for which alternative payment programs may be provided for child care and development services according to parental choice, including use of family day care homes, general center based programs, and state preschool and other state-funded programs to the extent that those programs exist in the general service area and are in conformity with the purposes and applicable laws for which those programs were established.

(5) Existing law requires the Superintendent of Public Instruction to administer all migrant child care and development programs, and to support and encourage state-level coordination of all agencies offering services to migrant children and their families. Existing law defines the term "migrant agricultural worker family" as a family that has earned at least 50% of its income during the last 12 months from employment in fishing, agriculture, or agriculturally related work

This bill, instead, would define that term as a family that has earned at least 50% of its total gross income from employment in fishing, agriculture, or agriculturally related work during the 12-month period immediately preceding the date of application for child care and development services.

Existing law requires that the children of migrant agricultural worker families be enrolled in child development programs in accordance with prescribed priorities, including: (1) that the family moves from place to place and is eligible for publicly subsidized migrant housing camps, (2) that the family has migrated within the past 5 years and has settled near agricultural areas and has an income still dependent upon

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seasonable agricultural work, and (3) that the family resides in a rural agricultural area and is dependent on seasonal agricultural work

This bill would revise these priorities by specifying that the first category of priority is for a family that moves from place to place and that the second category of priority is for a family that has qualified under category (1) within the past 5 years, is currently dependent for income on agricultural work, but is currently settled near agricultural areas This bill, in addition, would provide that eligibility and priority for services for the federally funded Migrant Child Development Program shall be in accordance with the applicable federal regulations

(6) Existing law requires the Superintendent of Public Instruction to encourage migrant child care programs to include, and to give priority to funding child care agencies that include specified components

This bill would require that the superintendent develop appropriate migrant child care and development programs, quality indicators, including those set forth in specified provisions of current law, in addition to the prescribed components.

This bill would delete the existing requirement that training emphasis shall begin in the 1st year with priority for infant caregivers and administrative staff

Existing law requires that whenever possible, migrants shall be recruited, trained, and hired in child care and development programs

This bill, in addition, would require that staff training for these persons include principles and practices of child care and development for the age groups of children being served

Existing law requires that health services in migrant child care and development programs shall include health and dental screening, followup treatment, recording, and tracking for all children enrolled in these programs Existing law requires that these services be provided in a timely and adequate manner and that funds for health services and the health records shall follow the child. Existing law requires that in order to achieve these objectives, the State Department of Health Services and the State Department of Education shall each delegate 2 members to meet, commencing on July 1, 1980, for specified services

This bill would delete these requirements and, instead, would require health services in migrant child care and development programs to include health and dental screening and followup treatment. This bill would also require that health records for all migrant children follow the child

(7) Existing law requires that, to the extent feasible, in the 1st year of expansion a minimum of one migrant infant care program shall be established in each publicly subsidized farm labor camp not providing infant care Existing law requires additional infant, preschool, and school age migrant child care and development programs to be established during the period in which the plan is implemented, with emphasis on out-of-camp programs

This bill would delete these provisions.

Existing law authorizes the cost for migrant programs to exceed the standard reimbursement rate established by the Superintendent of Public Instruction if the excess is mutually agreed to in the contract with the State Department of Education

This bill would delete the requirement that excess costs be mutually agreed to in the contract with the department This bill would specify that state funded programs may be eligible for federal funds to supplement the state base funding This bill would specify that these supplementary funds shall not be contingent upon providing additional child days of enrollment

(8) Existing law requires the Superintendent of Public Instruction to administer all state preschool programs, as prescribed.

This bill would specify that federal Headstart funds providing supplemental services to families receiving state preschool services shall be considered to be nonrestricted funds

(9) Existing law requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services necessary to implement the requirements of current law

Existing law requires that priority for state and federally subsidized child development services shall be in accordance with prescribed priorities Existing law requires that 2nd priority shall be equally given to eligible families, regardless of the number of

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parents in the home, who are income eligible. Existing law requires that within this priority, families with the lowest gross monthly income shall be admitted first.

This bill would require the Superintendent of Public Instruction to adopt a schedule, in relation to family size, for purposes of applying that rule of priority

(10) Existing law requires the superintendent to establish a fee schedule for families utilizing the child care and development services and a separate fee schedule for collecting child care fees from recipients of benefits under the Aid to Families with Dependent Children program who have outside income, as prescribed

This bill would delete that requirement for a separate fee schedule. The bill would prohibit fees from being assessed for families whose children are enrolled in the state preschool program.

(11) Existing law provides that actual reimbursement, in any case in child care and development programs, shall not exceed actual program costs, and requires that parent fees be deducted from the assigned reimbursement rate or actual costs, whichever is less.

This bill would delete that requirement and, instead, would prohibit reimbursement from exceeding actual program costs which are reasonable and necessary, and which are within the maximum reimbursable amount. This bill would require parent fees to be deducted from reasonable and necessary program costs, except when the contractor provides service to eligible children beyond the minimum service requirements, in which case this bill would authorize parent fees to be used to pay reasonable and necessary costs of providing these additional services.

(12) Existing law prescribes the requirements for the allocation and expenditure of child care and development program funds.

This bill would require, unless specifically exempted by the Legislature, that administrative costs for all state-funded child care and development programs and all federal programs administered by the state shall not exceed 15%. This bill would require that 85% of these funds shall be used to provide direct services in accordance with rules and regulations or contractual terms and conditions prescribed by the Superintendent of Public Instruction.

(13) Existing law prescribes staffing ratios and group size standards applicable to center-based child care and development programs under contract with the State Department of Education, pending the promulgation of appropriate regulations by the superintendent.

This bill, instead, would delete group size standards prescribed under current law and would require the superintendent, within 60 days of the effective date of this bill, to establish a timetable for the promulgation of the staffing ratios. This bill would require the superintendent to promulgate these regulations within an 18-month period thereafter. This bill would require that whenever groups of children of varying ages are commingled, the teacher and adult ratios shall be proportionate and appropriate to the ages and groups of children.

(14) Existing law authorizes the Trustees of the California State University and any other public or private nonprofit agency to contract with the State Department of Education to establish and maintain a child development center near each campus of the university system. Existing law requires that the children of students from particular campuses shall have the 1st priority for attendance at these centers. Existing law prescribes a system of priorities among these eligible students.

This bill would repeal the provisions of existing law relating to the priorities for enrollment among the children of students eligible to enroll in these programs.

Ch. 1279 (AB 2148) Harris. Remedies: unlawful detainer actions: tenants: orders of abatement: nuisances.

(1) Existing law contains various rights and remedies for tenants of untenantable dwellings.

This bill would additionally create a rebuttable presumption affecting the burden of producing evidence that the landlord has breached specified habitability requirements in any unlawful detainer action if the dwelling lacks standards, as prescribed by specified provisions of the Civil Code, if the conditions have existed and have not been abated for 60 days beyond the date of issuance of a written notice which is required to be given to the landlord by a peace officer or employee responsible for the enforcement of any housing laws, and if the condition was not caused by an act or omission of the tenant in

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violation of other specified statutes. The bill would make a lessor who demands or collects rent under these circumstances liable for actual damages and specified exemplary damages, costs, and attorney fees.

(2) Existing law generally provides that an appeal taken by the defendant from an unlawful detainer judgment does not stay the proceedings on the judgment unless the judge who rendered the judgment directs a stay of the proceedings.

This bill would require that any appeal from a judgment of unlawful detainer be conducted pursuant to other specified provisions. The bill would also permit a court that issues a stay of enforcement of a damage award in an unlawful detainer judgment to order the payment of the reasonable monthly rental value, as specified, to the court as a condition of issuing that stay of enforcement.

(3) The existing State Housing Law authorizes a housing appeals board to provide for the deferral of the effective date of orders of abatement issued by an enforcement agency in cases of extreme hardship involving owner-occupants of dwellings. Existing law requires that any deferral of an order of abatement be terminated upon the sale of the dwelling by the owner-occupant.

This bill would also permit the housing appeals board to provide for the deferral of the effective date of orders of abatement in cases of extreme hardship involving tenants and would specify that the deferral of the effective date of the order would not terminate upon the sale or transfer of the dwelling if it is occupied by a tenant other than the owner-occupant.

(4) The existing State Housing Law requires an enforcement agency that has determined that a building is substandard to commence proceedings to abate the violation by repair, rehabilitation, or demolition of the building. Existing law permits the enforcement agency to require vacation and demolition or to vacate, repair, or demolish the building if the repair work is not done as scheduled or if the owner does not make a timely choice to repair or demolish the building.

This bill would also permit the enforcement agency to take that action if the owner selects an option which cannot be undertaken or completed within a reasonable period of time, as determined by the department.

(5) The existing Personal Income Tax Law and the Bank and Corporation Tax Law prohibit a taxpayer who derives rental income from substandard housing from deducting the interest, taxes, depreciation, or amortization paid or incurred during the taxable year from their taxes with respect to that substandard housing, as specified.

This bill would impose a state-mandated local program by requiring the enforcement agency of each city or county to include information in all notices to correct violations or to abate nuisances notifying the owner of the building of those tax provisions.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1280 (AB 1579) Leonard State employees. reinstatement rights.

Existing law provides that a permanent state employee who vacates a civil service position to accept an appointment to an exempt position is entitled to be reinstated to his or her former position, or a vacant position in any department, commission, or state agency for which the employee is qualified at substantially the same level, under specified conditions.

This bill would broaden the rights of such an employee to be reinstated in the state civil service system.

This bill would require that persons employed by the Legislature for 2 or more consecutive years with no mandatory civil service return right, be eligible to apply for promotional civil service examinations. This bill would also require that these provisions apply to specified former employees of the Legislature.

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Ch. 1281 (SB 1413) Torres. Contractors: home improvement salespersons.

Existing law provides that a person served with a citation for nonlicensure as a contractor may appeal that citation within 15 working days from receipt of the citation.

This bill would revise that provision to provide that an appeal may be made within 15 working days after service of the citation. Conforming changes would be made

Existing law provides that a citation issued to a licensee or applicant for licensure for a violation of specified provisions of the Contractors' State License Law may contain an order of correction fixing a reasonable time for correction of the violation.

This bill would permit the citation to contain, in lieu of an order of correction, an order, against the licensee only, for payment of a specified sum to an injured party.

[Existing law specifically provides that if the Registrar of Contractors has probable cause to believe that a licensee or an applicant for a license under the Contractors' State License Law has violated provisions of that law which are grounds for denial, revocation, or suspension of license, the registrar may issue a citation to the applicant or licensee.

This bill would delete the references to denial of license and issuance of a citation to an applicant.]*

Existing law makes it a misdemeanor to engage in the occupation of a home improvement salesperson, as defined, without being registered, as specified

This bill would recast the definition of home improvement salesperson to, among other things, specifically exempt from registration as a home improvement salesperson any person who contacts a prospective buyer for the exclusive purpose of scheduling an appointment between the prospective buyer and a home improvement salesperson, and any salesperson whose sales are all made pursuant to negotiations between the parties which are initiated by the prospective buyer, as specified

Ch. 1282 (AB 1525) N. Waters. Pest control: pesticides.

(1) Under existing law, the Director of Food and Agriculture is vested with specified powers and duties concerning plant, animal, and poultry quarantine and pest control.

This bill would establish procedures for any judicial challenge to any of the foregoing activities and would supersede general procedures for issuance of a writ of mandate, as specified. The bill would require the director to adopt a written decision, as prescribed, whenever exercising any such authority, would prescribe standards for judicial review, and would prescribe numerous related requirements.

(2) Under existing law, the usage of a restricted material is limited to those situations in which it is reasonably certain that no injury will result or no nonrestricted material or procedure is equally effective and practical.

This bill would instead limit usage to those situations in which it is reasonably certain, as defined, that no injury will result or no nonrestricted material or procedure is equally effective and practical.

(3) Under the California Environmental Quality Act, described regulatory programs of state agencies, boards, and commissions which have protection of the environment among their principal purposes and which require a plan or other written documentation to be submitted in support of specified activities are exempt from environmental impact report requirements upon certification by the Secretary of the Resources Agency that the programs meet specified criteria Chapter 308 of the Statutes of 1978, among other things, required the director to submit to the secretary the pesticide regulatory program required by the Food and Agricultural Code for certification by the secretary.

This bill would make any program for the regulation of pesticides so certified, applicable to the use of pesticides by any state agency acting under authority of the Food and Agricultural Code in eradicating or controlling a plant or animal pest

The bill would make legislative findings and declarations in this connection

(4) The provisions of the bill would remain in effect only until January 1, 1988, unless a later enacted bill deletes or extends that date.

Ch. 1283 (AB 1533) Wyman Youths: escapes.

Existing law provides that it is a misdemeanor for a person under the custody of a probation officer in a county juvenile hall, or who is committed to a county juvenile home, ranch, camp, or forestry camp, to escape or to attempt to escape from such an institution

This bill, instead, would provide that it is a misdemeanor, punishable as specified, for a person under the custody of a probation officer or peace officer in a county juvenile hall, or who is committed to any of the above-enumerated institutions, or who is being

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transported to or from any such institution, to escape or attempt to escape. Thus, the bill would impose a state-mandated local program by creating a new crime.

This bill also would provide for punishment of the above conduct as either a felony or a misdemeanor if committed by force or violence, thus also creating a state-mandated local program

The bill also would define "committed to the authority" for the purposes of existing law which provides that escapes or attempted escapes by persons committed to the Youth Authority from Youth Authority facilities, during conveyance to and from a Youth Authority facility, or from the custody of designated Youth Authority officials, or a failure to return to such a Youth Authority institution or facility, as specified, is punishable as a felony or as either a felony or a misdemeanor Because it would expand the categories of persons to whom the existing law is applicable, it would establish a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1284 (AB 1500) McAlister Adjustable-rate loans: disclosure.

Existing law contains various disclosure requirements applicable to real property loans and also contains authority to regulate the advertising of certain types of regulated lenders.

This bill would require specified residential mortgage lenders to provide to prospective borrowers the most recent publication of the Federal Reserve Board on adjustable rate mortgages, as specified, and would authorize an injunction, damages, and an award of attorney's fees against lenders violating this requirement.

Ch 1285 (AB 1397) Jones Pesticide residues.

(1) The Director of Food and Agriculture is authorized to establish permissible tolerances for any pesticide chemical in or on raw produce upon making specified findings. The director may seize produce in excess of these tolerances.

This bill would specify that the director's duties include, but are not limited to, conducting a pesticide residue monitoring program for produce destined for processing, and would require the program results to be made available to the [State]* Director of Health Services

The bill would also require the director to notify the [State]* Director of Health Services whenever a lot of produce destined for processing is in violation of the tolerances prescribed The director would be required to release produce seized which was destined for processing to the custody of the [State]* Director of Health Services upon demand of the owner or person in rightful possession of the produce. The [State]* Director of Health Services would, in turn, be required to notify the processor, as specified.

(2) Existing provisions of the state Sherman Food, Drug, and Cosmetic Law authorize the State Department of Health Services to prescibe tolerances for pesticides in processed foods.

This bill would require the [State]* Director of Health Services, with the assistance of the Director of Food and Agriculture and in cooperation with specific federal agencies, to identify those pesticides most likely to leave residue in processed foods.

(3) The bill would appropriate $210,571 to the Department of Food and Agriculture for the purposes of the bill

Ch 1286 (AB 2541) Bronzan Mental health.

Existing law requires the juvenile court to evaluate minors before it who may become dependents or wards of the juvenile court

This bill would require the court to notify the local director of mental health services when it believes that a minor who is a dependent child of the court may need specialized mental health treatment.

Existing law requires the State Department of Mental Health to set rates of payment by the state to private residential care facilities for the mentally disabled caring for

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mentally disordered persons. The department is required to adopt regulations regarding setting of those rates and adopting eligibility criteria for these private facilities by July 1, 1980 Existing law also requires the department to propose the rates to the Legislature by March 1 to be operative by July 1 of each year subject to the appropriation of sufficient funds for that purpose in the Budget Act

This bill would do all of the following in relation to rates of payment established for mentally disordered in private residential care facilities if SB 155 is not enacted:

(1) Require regulations to be adopted by October 1, 1985, to establish eligibility criteria for these private residential care facilities and delete the condition that the rates shall be operative subject to the appropriation of sufficient funds.

(2) Delete an obsolete reference to cost-of-living adjustments in the rates.

(3) Require the department, in recommending funds to be appropriated for these private facilities, to include actual caseload numbers, caseload estimates, and separate county and state administrative costs to be separately identified from the rates

(4) Require the department by July 1, 1987, to establish a standardized assessment tool and client monitoring system for use by counties in determining the functional ability and programmatic needs of mentally disordered clients

(5) Waive the county match under the Short-Doyle Act for 1985–86 and 1986–87 fiscal years

Under existing law, the rate of payment to any private residential care facility for the mentally disabled cannot exceed the average amount charged to private clients residing in the same facility The monthly rate of payment to any such facility cannot exceed the average monthly cost of services for all persons with mental disabilities who reside in state hospitals

This bill would, if SB 155 is not enacted, delete this provision and require, instead, that the rates established for these facilities be equal to the rates established by the State Department of Developmental Services for equivalent categories on July 1, 1985, of regional center clients in private residential care facilities, until the time the department establishes the standardized assessment tool as specified. However, the rates cannot be less than the rates paid for equivalent categories of regional center clients which were in effect on July 1, 1985

Under existing law, each county is required to apply for the adjusted rates established by the department for private residential care facilities for the mentally disabled as part of its Short-Doyle plan Under its Short-Doyle plan, the county is required to provide 10% matching share, which is subsequently reimbursed by the state through the claims process

This bill would, if SB 155 is not enacted, require each county to apply for these adjusted rates and county administrative costs as part of its Short-Doyle plan The bill would also provide that no county matching funds, including local financial participation for administrative costs, are required for the 1985–86 and 1986–87 fiscal years.

This bill would delete obsolete provisions

This bill would if SB 155 is not enacted, in addition, provide that the amounts paid to eligible private residential care facilities shall not be less than the rates established by the department

The bill would also provide that a mentally disabled person may designate a relative or friend as his or her representative payee for SSI/SSP benefits

Existing law requires counties, in providing mental health program services, to consider and provide for certain priority populations

This bill would enlarge and make more specific those priority populations.

This bill would make certain legislative findings and declarations concerning the provision of mental health services in the state and state and county roles and responsibilities in providing those services.

Existing law imposes various duties on the State Department of Mental Health with respect to mental health services planning, information, and research

This bill would require the Director of the Department of Mental Health to adopt guidelines for the establishment by counties of community support programs to provide necessities, counseling, and other services to homeless mentally disabled adults under specified conditions

The bill would also require the Director of Mental Health and the Director of Rehabilitation to convene an interdepartmental task force to facilitate the development of a

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community vocational treatment systems for persons with serious mental disabilities, as specified and authorizes the county to implement it, as specified.

Existing law establishes special education programs in public schools.

This bill would require specified cooperative activities in counties among special education, foster care, child protective, juvenile services, and county mental health programs relating to seriously emotionally disturbed children.

The bill would provide policy initiatives for seriously emotionally disturbed children and require the department to develop a 5-year program to reduce the incidence of youth suicide.

Existing law requires the department to set rates for the provision of various mental health services.

This bill would require the department and the State Department of Health Services to implement a cost study to determine the actual costs of Short-Doyle and Medi-Cal services for children, adolescents, and their families and to develop rates based on the study.

Under existing law, a peace officer may detain and transport a mentally disordered person who is dangerous or gravely disabled to an evaluation and treatment facility.

This bill would prohibit mental health personnel from interfering with the peace officer or jailer, as specified. The bill would be a state-mandated local program by requiring 5 counties designated by the director, as specified, to review data and establish standards and guidelines to assure sufficient hospital beds and emergency services to certain persons suffering acute psychotic episodes

This bill would also create the Target Supplement Fund for the department to support the development of local resources and systems in solving locally identified problems.

This bill would also require that no later than 18 months after the effective date of the bill, sufficient acute hospital and nonhospital beds and other emergency services be available to persons with major mental disorders who suffer acute psychotic episodes

This bill would require the department to include a research program in its proposed budget as specified

The bill would require the department to encourage county mental health programs to develop and support local programs designed to provide technical assistance to self-help groups, as specified.

This bill would appropriate one-time savings in Item 440-101-001 of the Budget Act of 1985 to the director to implement additional 24-hour care beds as specified and require the ongoing funding of these services to be provided from any appropriations made available for these purposes

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose various state-mandated local programs upon local mental health agencies and personnel.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

This bill would take effect immediately as an urgency statute.

Ch. 1287 (SB 157) Mello. Transit· elderly and handicapped.

(1) Existing law requires each transportation planning agency to prepare, or to have prepared, a regional transportation plan containing specified elements regarding transportation issues, goals, and objectives for that region. This plan is updated annually.

This bill would require each plan to include in the biannual update, beginning January 1, 1986, and until January 1, 1987, an additional section that specifically relates to the transportation needs of elderly and handicapped persons who reside in rural areas, as defined, thereby imposing a state-mandated local program.

(2) Under the Social Service Transportation Improvement Act, transportation planning agencies and county transportation commissions were required, not later than December 31, 1981, to submit a report and an action plan to the Secretary of the

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Business, Transportation and Housing Agency that included, among other things, the designation of consolidated transportation service agencies, as specified.

This bill would require until January 1, 1987, the Department of Transportation to develop a plan to continue implementing the act, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 1288 (AB 2201) Stirling Mental health.

Existing law under the Lanterman-Petris-Short Act provides for the involuntary commitment of certain persons for evaluation and treatment Existing law also authorizes the professional person or, in some cases, the superintendent, in charge of the evaluating or treating facility or his or her designee to release the patient prior to the expiration of the commitment period upon specified findings

This bill would transfer this authority to authorize the release of a patient prior to the expiration of the commitment period, to the psychiatrist directly responsible for the person's treatment who is required to make the decision on the basis of his or her belief as a result of his or her personal observation. In the event of a disagreement by another professional person who is authorized to release the person, the final decision would be made by the medical director of the facility or, if he or she is not a psychiatrist, a designee who is a psychiatrist. The psychiatrist making the final decision could only release the person prior to the expiration of the commitment period on the basis of his or her belief as a result of personal observations.

Under the existing Lanterman-Petris-Short Act, various persons involved in the involuntary commitment, are immune from civil and criminal liability for any action of a person released at or before the end of the commitment.

This bill would grant this immunity to specified persons if the person is released prior to the end of the commitment and only if certain conditions are met.

This bill would take effect immediately as an urgency statute

Ch 1289 (AB 1652) Clute. Vehicles violations

(1) Under existing law, the Department of Motor Vehicles may refuse renewal of registration of a vehicle if the registered owner, rentee, or lessee has been issued a notice of violation involving the standing or parking of the vehicle and has not made an appearance in court to answer the charge within 10 days, filed an affidavit of nonownership of the vehicle, or deposited bail until the amount of bail, in addition to all other required fees, is paid to the department for remission to the jurisdiction issuing the notice of violation.

This bill would require the department to notify each jurisdiction of the notices which have been discharged by deposits of bail with the department within 45 days of recording the bail.

The bill would require the notice of violation involving the standing or parking of a vehicle to show the vehicle's license number and expiration date, the color of the vehicle, and, if possible, the year, make, and model. The bill would permit the person charged with the violation to request, by mail or in person, the agency issuing the notice of violation or the court to provide a copy of the original notice of violation within 15 days of the request, for a fee not to exceed $1, and would require dismissal of the charge for a failure to comply with the request. The bill would also authorize a dismissal of the charge on that person's written request, without an appearance, if the description of the vehicle on the notice of violation does not match the corresponding information on the vehicle's registration card.

The bill would require the agency issuing the notice of violation or the court, when notifying the registered owner, lessee, or renter who is a resident of this state of the violation, to state, among other things, the amount of bail, determined as specified, for

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the offense charged and that bail may be mailed or paid in person, or an appearance made, within 30 days after service of notice of parking violation.

(2) Existing law requires that, for offenses under the Vehicle Code, the time specified in the notice to appear be at least 10 days after the arrest.

This bill would require the time specified for appearance to be a specific date which is at least 21 days after the arrest, and would permit the court having jurisdiction to authorize the arresting officer to state on the notice that an appearance at an earlier time may be made.

The bill would require that a deposit of bail for an infraction offense under the Vehicle Code be refunded, as specified, within 30 days of a dismissal or finding of not guilty, and that multiple or duplicate deposits of bail be refunded within 30 days of identification.

(3) Under existing law, the clerk of a municipal or justice court may collect a fee, not to exceed $10, from every person ordered to attend a driving school or other court-supervised program of driving instruction, which is in addition to the costs of instruction for the school or program

This bill would include superior courts within those provisions, prohibit the imposition of any fee for a court-ordered driving instruction school or program other than the court fee and instruction fee, and would increase the maximum fee to be charged from $10 to $12, which would include any penalty assessment The bill would specify that, for these purposes, "court-supervised program" includes, but is not limited to, a program of driving instruction the successful completion of which is accepted by the court in lieu of adjudicating a Vehicle Code violation

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions provide a procedure for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would, by making changes in the requirements imposed on courts and other local agencies having jurisdiction over offenses involving the standing or parking of vehicles, impose a state-mandated local program

The bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

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

Ch. 1290 (AB 1663) Campbell Animals: dogs and cats.

(1) The selling or giving away by a public pound or shelter, as specified, of a cat over 6 months old that has not been spayed or neutered is prohibited, and the selling or giving away of a cat less than 6 months of age is conditioned upon depositing the cost of spaying or neutering with the pound or shelter unless the selling or giving is to specified laboratory facilities Violations are misdemeanors.

This bill would, instead, prohibit a public pound or shelter from giving away any cat that has not been spayed or neutered unless a deposit is tendered, as specified. The bill would require the deposit to be in an amount comparable to the lowest fee charged by veterinarians in the locale, not to exceed $30, would specify that only a single deposit is required for a female cat and her kittens, would require the operation to be performed by a veterinarian, and would permit the pound or shelter to make appropriate arrangements for the spaying or neutering of the cat or to return the deposit to the receipient of the cat upon receipt of evidence that the cat was spayed or neutered. The bill would also allow an additional fee to pay the costs arising from these provisions. The bill would provide for use of unclaimed deposits, as specified, for specified purposes by the pound or shelter. The bill would permit pounds and shelters to enter into cooperative agreements with each other and with veterinarians in carrying out these provisions The bill would also make a technical change in those provisions

The bill would impose a state-mandated local program by also making the same provisions apply to selling or giving away of dogs, including a female dog and her puppies, except that the deposit would not be permitted to exceed $40, as specified. A

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violation of the provisions of the bill would be a misdemeanor, thereby imposing another state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 1291 (AB 1677) Condit Rental security deposits

Existing law requires a landlord of residential rental property who has taken a security deposit from a tenant to disburse the unused portion of the security deposit, upon transfering the property, either to the tenant or the landlord's successor in interest. Under existing law, the landlord's successor in interest incurs no liability by reason of the landlord's failure to comply with this requirement

This bill would make successors in interest of the landlord jointly and severally liable with the landlord for repayment of the unused portion of the security when the tenant vacates the premises, if the landlord fails to comply with the above requirement. The bill would also prohibit the landlord's successor in interest from requiring the tenant to post additional security in these cases, until (1) the unused portion of the security is returned to the tenant or (2) the tenant is provided with a prescribed accounting.

It would also require that, prior to the voluntary transfer of a landlord's interest, the landlord deliver to his or her successor in interest notice of the amount of security remaining after lawful deductions and notice of his or her election to either return the unused portion of the security or to provide the tenant with a prescribed accounting.

The bill would also specify what constitutes proof of the existence of a security deposit and the amount of that deposit.

The bill would also provide that it does not preclude the recovery of compensatory damages from a tenant by a landlord's successor in interest, as specified.

The bill would also incorporate changes in Section 1950.5 of the Civil Code, proposed by AB 2289, to be operative only if both bills are enacted and are effective January 1, 1986, and this bill is enacted last.

Ch. 1292 (SB 981) Mello Automobile sales conditional sales contracts: insurance

Existing provisions of the Automobile Sales Finance Act provide that if a buyer is obligated under the terms of a 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 lienholder to procure the insurance, any amounts advanced by the lienholder to procure the 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 lienholder notifies the buyer in writing of his or her option to repay the amounts in specified ways.

This bill would require the notification from the lienholder to the buyer to also contain a warning which states, in substance, that it is the buyer's responsibility to obtain liability insurance or be subject to penalties under the Vehicle Code, which may include loss of license or a fine, and that the lienholder's insurance does not provide liability coverage and does not satisfy the buyer's legal responsibility to obtain liability insurance Because it is a misdemeanor to violate any of the provisions of the Automobile Sales Finance Act, the bill would impose a new program or higher level of service upon local governments by changing the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1293 (SB 287) Maddy Medi-Cal· primary care contracts

Existing law provides that the State Department of Health Services, or a county which has entered into a contract to provide, or arrange for the provision of, Medi-Cal services to eligible persons in the county, may enter into contracts with primary care providers,

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as specified.

This bill would specify that the rate of payment for services shall not vary solely according to the category of licensure of the facility in which the services are rendered by providers within a geographical area.

Existing law requires the department to provide notice of its intent to enter into a primary care contract prior to entering into the contract

The bill would also require the department to develop criteria for evaluating potential contractors which ensure that all types of primary care providers are given equal consideration in the contractor selection process

The bill would make its provisions operative on July 1, 1986.

Ch 1294 (SB 298) Rosenthal Radiation control fees.

(1) Existing law requires the State Department of Health Services to provide by regulation, among other things, a schedule of fees for the licensing of radioactive materials and devices and equipment utilizing those materials and for the ranking of priority for inspection of sources of ionizing radiation and a schedule of fees for possessing sources of ionizing radiation Existing law permits the department to enter into specified agreements with local agencies for purposes of conducting inspections and conducting technical evaluations of license applications. Under existing law, those agreements are required to include provisions for the distribution of funds collected proportionate to the services performed by each participating agency subject to approval by the Director of Finance.

This bill would delete the latter provision and instead require that a local agency participating in an agreement, as described above, be fully reimbursed for certain costs relative to specified inspections It would establish certain inspection frequencies for ionizing radiation machines, high-priority sources of ionizing radiation, medium-priority sources, and for ionizing radiation used in dentistry It would require the frequency of inspections of radioactive materials be based on priorities established by the United States Nuclear Regulatory Commission It would provide that any changes in the frequency of inspections or the level of reimbursement to local agencies made by its provisions shall not affect ongoing contracts. It would make other nonsubstantive changes.

(2) Existing law provides an annual statutory adjustment of certain fees and charges for the issuance or renewal of any permit, license, or registration Existing law provides that the fees for possessing sources of ionizing radiation be adjusted pursuant to these provisions.

This bill would add the fees for the licensing of radioactive materials and devices and equipment utilizing those materials to these statutory adjustment provisions It would also increase for the 1986–87 fiscal year the maximum amount of the fees to be charged for possessing sources of ionizing radiation It would make other conforming nonsubstantive changes

Ch. 1295 (SB 1425) Watson. Mental health.

Existing law prescribes the membership for community mental health service advisory boards. Among other requirements, one member of the board shall be the chairman of the local governing body, however, the governing body may instead designate as its member on the board a person who does not qualify as a professional member. Further, not less than ½ of the members representing the public interest shall be persons or the parents, spouses, or adult children of persons who have received mental health services, as specified. Specified mental health employees are precluded from membership If the composition of the board underrepresents the minority population a statement of how equitable representation will be achieved shall be included in the mental health plan for the county

This bill would specify that one member of the advisory board shall be a member of the local governing body. The bill would specifically authorize siblings of persons who have received mental health services to be members, would require that at least one member shall be a person who has received or is receiving these mental health services, and would require the statement on achieving minority representation regardless of whether there is underrepresentation.

Existing law establishes an Organization of Mental Health Advisory Boards with speci-

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fied duties, relating to community mental health services.

This bill would revise and expand those duties as specified The bill would permit the organization to contract with public or private agencies or individuals for technical assistance.

Existing law prescribes certain powers and duties of the local mental health advisory boards.

This bill would require the local mental health advisory board to develop bylaws to be approved by the governing body concerning the board's membership and responsibilities with respect to the Organization of Mental Health Advisory Boards

Existing law specifies that certain mental health expenditures are subject to payment from state money received by a city or county under the Short-Doyle Act.

This bill would include in those items expenses incurred for attendance at regular meetings of the Organization of Mental Health Advisory Boards.

The Citizens Advisory Council has specific duties including providing coordination, consultation, and training for local mental health advisory boards.

This bill would delete that duty. This bill would also change the name of that body to the California Council of Mental Health in some provisions of law if AB 1856 is chaptered and becomes operative on or before January 1, 1986

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by increasing the duties of the Organization of Mental Health Advisory Boards

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would incorporate additional changes in Section 5715 of the Welfare and Institutions Code, proposed by AB 831, which would become operative only if AB 831 and this bill are chaptered, and this bill is chaptered last

Ch 1296 (AB 1222) Grisham. Service of process.

Existing law sets the fee, except for specified exceptions, for the service of process by a sheriff at $14 and specifically provides for a fee of $14 for serving, executing, or processing specified writs, for maintaining custody of property under levy by a keeper, for a fee for preparing and posting a notice of personal property sale, for conducting or postponing the sale of property, for making a levy, for cancellation, for making a not found return, for a declaration of reasonable diligence for executing and delivering an instrument, for subpoenaing a witness, for a bench warrant, and for an earnings withholding order.

This bill would increase those fees to $16 However, the bill would also provide that the fee for substitute service, as specified, is $14.

Existing law provides that the fee for serving a copy of a writ of possession of real property on an occupant or for posting a copy and serving a copy on the judgment debtor is $14, and the fee for putting a person in possession of the premises and removing an occupant is $14

This bill would provide that the fee for serving a writ of possession or for posting and serving, including putting a person in possession, is $25 and would specify that the fee for reposting a notice to vacate is the generally applicable fee, which would be $16

Ch. 1297 (AB 475) Moore. Public utilities: computer models

(1) Under existing law, the jurisdiction and control over public utilities is vested in the Public Utilities Commission, including the power to fix rates and charges and to specify the terms and conditions under which service is furnished Every public utility is required to furnish the commission records and information required by the commission in its exercise of this authority

This bill would require every public utility other than a common carrier, and every affiliated business, as specified, to provide the commission with access to all computer models used to substantiate their showing in a proceeding. The commission would be

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directed to implement this requirement, as specified

The bill would also specify procedures for the verification and use of computer models, operations models, and data bases as evidence in hearings and proceedings before the commission. The bill would exempt certain electricity demand models or forecasts prepared by the State Energy Resources Conservation and Development Commission from the verification requirements. Common carriers and certain telephone corporations would be exempted from these procedures The bill would require the commission to conduct studies to verify, validate, and improve the production cost planning and financial planning models used by public utilities and to report the results of these studies to the Legislature by January 1, 1987.

The bill would also define terms, make a statement of legislative intent, and state that the provisions of this bill are declaratory of existing law

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

Since existing law makes any public utility who violates specified provisions regulating public utilities guilty of a misdemeanor, this bill would impose a state-mandated local program by creating a new crime concerning allowing access to the computer models of a public utility.

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

(3) The bill would appropriate $390,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account

Ch. 1298 (AB 2021) Connelly Economic poisons groundwaters.

(1) Existing law does not require registrants of economic poisons to submit specified information relating to contamination of groundwaters as part of the initial registration or renewal of registration process

This bill would enact the Pesticide Contamination Prevention Act. The bill would require each registrant of an economic poison registered for agricultural use to submit specified information to the Director of Food and Agriculture, not later than December 1, 1986, relating generally to the impact of the economic poison on water sources. The bill would provide for an extension for submission of some of this information for up to 2 years, as specified, but in no event later than December 1, 1989 Since violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program. Inadequate information on a particular economic poison would be defined to be a groundwater protection data gap after a specified determination by the director. The director would be prohibited from registering or renewing the registration of an economic poison with a groundwater protection data gap after December 1, 1988, for economic poisons applied with ground-based application equipment or by chemigation and after December 1, 1989, for economic poisons intended for use with other than ground-based application equipment, unless the registrant has been granted a current extension under the bill

The director would be required to establish the Groundwater Protection List of specified economic poisons and to report specified information to the Legislature, the State Department of Health Services, and the State Water Resources Control Board not later than December 1, 1987, regarding economic poisons, as specified.

The director would be required to perform a soil and water monitoring program pursuant to a specified schedule and would be required to report all monitoring results to the State Department of Health Services and the board.

The bill would require the director, on or before December 1, 1987, and annually thereafter, to request a budget appropriation in order to fund specified activities under the bill.

The bill would also require the director to cancel the registration of economic poisons with specified criteria relating to groundwater findings unless the registrant is granted an extension or the director makes specified findings

The bill would also require the director to maintain a specified well sampling data base and, not later than June 30, 1986, the director, the State Department of Health Services, and the board, jointly, would be required to establish minimum requirements for well sampling that would apply to all agencies conducting the sampling after December 1,

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1986. This requirement would impose a state-mandated local program on local agencies so affected. The director would be required to report annually, commencing on December 1, 1986, to the State Department of Health Services and the board on well sampling, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

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

Ch 1299 (AB 2175) La Follette. Child care and development.

Under existing law, alternative payment programs may be used to provide funds for various types of child care and development services.

This bill would require the State Department of Education to contract with local contracting agencies for the alternative payment programs to provide service throughout the state and to expand existing and fund new alternative payment programs.

This bill would appropriate $1,300,000 to the Superintendent of Public Instruction for the purposes of the act.

This bill would provide that these provisions shall become operative only if AB 55 and this bill are enacted and become effective on or before January 1, 1986.

Ch. 1300 (AB 1478) Margolin. Santa Monica Mountains Conservancy appropriation.

Under existing law, the Budget Act of 1985 appropriated moneys from the Special Account for Capital Outlay in the General Fund to the Santa Monica Mountains Conservancy for specified capital outlay and local assistance projects.

This bill would amend and supplement the Budget Act of 1985 by appropriating $3,000,000, as specified, from the account to the conservancy for additional specified capital outlay and local assistance projects.

The bill would take effect immediately as an urgency statute

Ch. 1301 (AB 705) M. Waters. Public assistance.

Existing law provides that the State Department of Social Services may establish a grant diversion program in accordance with agreements approved by the department between counties and specified entities if the Legislature authorizes the program and specifies its details.

The bill would, instead, require the State Department of Social Services to administer a grant diversion program, which may be implemented at the option of a county, either by the counties or through agreements between counties and these specified entities Any county which wishes to implement a grant diversion program would be required to submit a plan to the State Department of Social Services showing why the program would be cost effective, among other things.

The bill would provide that a recipient of Aid to Families with Dependent Children would continue to be eligible for Medi-Cal benefits under the grant diversion program It would also permit employers to compensate employees in an amount which exceeds the amount of an employee's aid grant Each employee would be paid the amount which he or she would earn if employed in the position but not participating in the grant diversion program

The bill would also require that employers must meet certain conditions in order to participate in the program.

The bill would also provide that if AB 2580 or any other bill is enacted during the 1985–86 Regular Session which provides for a grant diversion program the department

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shall administer this bill in a manner so as to avoid duplication of services and maximize fiscal efficiency.

Ch. 1302 (AB 56) Alatorre. State office buildings advance funds

Existing law permits the Department of General Services to enter into a joint powers agreement with any other public agency for the purpose of creating an agency or entity to finance the acquisition of land and the design and construction of state office buildings and parking facilities thereon.

This bill would, in addition, permit the Community Redevelopment Agency of the City of Los Angeles to advance funds, not to exceed $4,000,000, to the department and the Los Angeles State Office Building Authority to complete plans and prepare bid specifications and related documents for a specified proposed state office building in the City of Los Angeles, and would require the department or the authority to make a determination on whether to proceed with construction of the state office building by June 30, 1987.

This bill would provide for reimbursement of all funds advanced by the agency from the bond proceeds or other financing available for construction of the state office building, if the department or the authority determines to proceed with construction of the state office building, or by the department, if the department or the authority determines not to proceed with construction of the state office building

This bill would also permit the authority to acquire, own, construct, and operate parking facilities to serve the state office building and permit the department and the agency to amend the authority agreement to provide for longer terms of office and to remove the restrictions on the number of terms for the members of the governing board of the authority.

Ch. 1303 (AB 1338) Johnston. California Highway Patrol: emergency services.

Existing law does not require the Department of the California Highway Patrol to implement emergency medical dispatcher training.

This bill would require the department to determine and implement the basic level of emergency medical dispatcher training for dispatchers employed by the department based on guidelines developed by the California Emergency Medical Services Authority with the concurrence of the department.

The bill would require commencement of implementation by January 1, 1987, and would require the department to submit a progress report to the Legislature by January 1, 1988

The bill would also make technical corrections.

Ch. 1304 (AB 1299) Killea. Highway carriers. hazardous materials. financial responsibility.

(1) Under existing law, the Public Utilities Commission is directed to require that every highway carrier subject to its jurisdiction and control maintain financial responsibility for personal injury or death of one person of not less than $15,000, for personal injury or death of more than one person of not less than $30,000, and for property damage of not less than $10,000. The commission has, by rule or order, established higher minimum requirements

This bill would, for highway carriers transporting hazardous material, as defined, require the commission to adopt minimum financial responsibility requirements of not less than those specified by the United States Department of Transportation for carriers of hazardous materials, and would appropriate $40,000 to the commission from the Transportation Rate Fund for expenditure for these purposes during the 1985–86 fiscal year.

(2) Existing law requires transporters of hazardous waste to be registered with the State Department of Health Services and to maintain proof of ability to respond in damages as required by the commission for highway carriers subject to its jurisdiction or in a higher amount if prescribed by the department

This bill would, in addition, specify that a transporter meet the financial responsibility adopted under (1), above, in addition to the existing limits, whichever of the 3 is the highest. The bill would direct the department to transmit a notice of violation to any transporter failing to meet these requirements within 2 working days, as specified, to

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suspend the registration of any transporter not presenting proof of compliance within 30 days, and to revoke the registration if proof of compliance is not presented within 60 days.

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

Ch 1305 (SB 431) Mello. Aging.

Existing law provides for the adult day health care program, which is administered by the State Department of Health Services, subject to transfer to the Department of Aging for a period of 3 years.

This bill would make various technical changes.

Existing law requires that a public hearing on each proposal for an adult day health care center shall be held by the local adult day health care councils or local councils of governments in the county to be served.

This bill would provide, instead, that a public hearing on each proposal for an adult day health care center would be held by the department in conjunction with the local adult day health care council. A hearing would be required only if requested by a local adult day health care council.

Existing law provides that the board of supervisors of any county may establish for the county an adult day health care planning council. Current law provides that the board of supervisors, with the approval of the Department of Aging, may designate the area agency advisory council as the adult day health care planning council.

This bill would provide that the board of supervisors would need the approval of the Department of Aging to designate the area agency on aging advisory council as the adult day health care planning council

Under existing law, eligibility for grants for adult day health care shall be limited to any public or private nonprofit agency centers.

Under existing law, $1,000,000 is appropriated, without regard to fiscal year, from the General Fund to the State Department of Health Services to provide grants and to defray administrative expenses incurred.

This bill would provide that $1,500,000 be appropriated, without regard to fiscal year, from the General Fund to the Department of Aging instead of the State Department of Health Services and would specify that the administrative costs to be defrayed with these funds are state administrative costs This bill would also specify that the amount of $1,500,000 is in addition to any unexpended portion of the $1,000,000 appropriated by current law.

This bill would require that state administrative costs on grants not exceed 10% of the amount of the grants.

Existing law also provides that these funds are to be used, in part, to provide grants to adult day health care centers licensed no earlier than September 30, 1981.

This bill would instead provide that these funds shall be used for grants to adult day health care centers licensed for a period of 4 years or less for purposes of expansion, to assist these centers in stabilizing their health care operations, and to adult day health care centers licensed for a period of 2 years or less, to assist these centers in stabilizing their health care operations.

Existing law further provides that, in developing policies pertaining to the allocation of these funds, the Department of Aging shall give primary consideration to various factors. One of these factors is that special consideration shall be given to an applicant who delivers services in an area with a high number of elderly Medi-Cal program beneficiaries.

This bill would instead provide that special consideration shall be given to an applicant who is located in a service area with a high percentage of elderly Medi-Cal program beneficiaries, when compared to the total elderly population of the service area.

Existing law provides that each adult day health care provider shall maintain financial records in accordance with generally accepted accounting principles and shall submit to the department an annual financial review performed by an independent certified public accountant as part of the provider's annual report.

This bill would provide instead that each adult day health care provider would be required to maintain a uniform accounting and reporting system as developed by the department, in consultation with the provider The provider also would be required to submit annual cost reports to the department no later than 3 months after the close of

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the facility's fiscal year. This bill would require the provider to submit the report in the format prescribed by the state This bill would require each facility to maintain, for a period of 3 years following the submission of annual cost reports, financial and statistical records of the period covered by the cost reports The records would be made available to state or federal representatives upon request. Additionally, this bill would provide that the department may request a financial review performed by an independent certified public accountant as part of the provider's annual report

Ch 1306 (AB 2126) Agnos Education substance abuse

(1) Existing law does not provide for a program which uses a "positive role model" concept to curtail substance abuse by children.

This bill would require the State Department of Education and the Department of Justice by way of their School-Law Enforcement Partnership, in cooperation with the Department of Alcohol and Drug Programs and the Office of Criminal Justice Planning, to develop a year-round pilot program involving school activities, community activities, and summer programs employing a "positive role model" concept, and would require the Superintendent of Public Instruction to conduct that program for 3 years in selected regions of the state.

(2) This bill would appropriate $187,250 from the General Fund to the Superintendent of Public Instruction for the purpose of providing 1st-year funding for the pilot project authorized by this bill.

(3) Existing law authorizes the moneys in the First Offender Program Evaluation Fund, upon appropriation by the Legislature, to be expended only for the costs of first offender program evaluations conducted by the Governor's Intergovernmental Advisory Council on Alcohol, Drugs, and Traffic Safety and of the administration of the fund by the Office of Traffic Safety

This bill would authorize the moneys, upon appropriation, to be expended for educational programs relating to alcohol, drugs, or other substances and would appropriate $262,750 from the First Offender Program Evaluation Fund to the Superintendent of Public Instruction for purposes of providing 1st-year funding for the pilot project authorized by this bill

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

Ch 1307 (AB 1825) Johnston Recreational marinas state financial assistance

Existing provisions of the State Assistance Fund for Recreational Marinas Act of 1979 authorizes the Department of Boating and Waterways to make subordinated loans to a recreational marina in connection with a loan made, as specified, to the marina and approved for guarantee by an agency of the federal government

Under the act, loans are made by the department from the State Recreational Marina Revolving Account, a continuously appropriated account, in the Harbors and Watercraft Revolving Fund

This bill would repeal all provisions of the act The bill would authorize the department to make loans to private marina owners for development of recreational marinas, as specified The bill would prohibit private marina owners receiving loans from charging unreasonably high boat berthing fees and would require the department to monitor the berthing fees of private marina owners receiving department loans The bill would require the department to submit proposals for the loans to the Boating and Waterways Commission for advice and consent

Ch 1308 (AB 1306) Killea Bank and corporation taxation contributions.

Existing Bank and Corporation Tax Law allows a corporation a credit, as specified, for qualified charitable contributions, as defined, to certain educational organizations which are not institutions of higher education, if certain conditions are met.

This bill would provide for a comparable credit under that law for a contribution from January 1, 1986, through December 31, 1987, of usable computer software to any educational organization, as defined, which is not an institution of higher education.

Existing Bank and Corporation Tax Law provides that 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, for income years beginning on and after July 1, 1983, that law permits a

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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 provide a comparable larger deduction for charitable contributions from January 1, 1986, through December 31, 1987, of computer software and new or used ancillary test equipment, as specified, if contributed to an institution of higher education and used by the institution for research or experimentation or research training, in certain fields, instructional purposes, or as a part of an active educational or research laboratory

This bill would require the taxpayer to report to the Franchise Tax Board specified information in connection with both the credit and the deduction referred to in the preceding paragraphs, and would require the taxpayer to forward that information, along with prescribed written statements from the donee, to specified officials

This bill would require the Legislative Analyst to report to the Legislature no later than February 1, 1987, on specified effects of the credit and the deduction provided by this act.

This bill would take effect immediately as a tax levy

Ch 1309 (AB 2274) Hayden Bank and corporation taxes· contributions

Under the existing Bank and Corporation Tax Law, a credit of a specified amount is allowed for making, before June 30, 1984, a qualified charitable contribution, as defined, to certain educational organizations which are not institutions of higher education, to a California Youth Authority education program or school, to a juvenile court school, to a school in a state prison or county jail; and to a school or educational program in a state hospital

This bill would make the operation of that credit applicable to a qualified contribution, as defined, which is made on or after January 1, 1985, and [on]* or before December 31, 1986.

This bill would require the taxpayer to report to the Franchise Tax Board specified information in connection with the credit discussed above, and would require the taxpayer to forward that information, along with a prescribed statement from the donee, to the State Department of Education

This bill would require the Legislative Analyst to submit a report to the Legislature by February 1, 1987, which evaluates the effects of the credit, as specified, since its enactment.

This bill would take effect immediately as a tax levy.

Ch. 1310 (AB 2436) Allen. Fish and game license agents.

(1) Under existing law, the Department of Fish and Game may authorize any person to be a license agent to sell and issue licenses, license stamps, and license tags in addition to those the department issues, but no commissioner of the Fish and Game Commission or person employed by the department may be authorized to act as a license agent, as specified. The authorized license agent may add to the fees, and retain, specified handling charges for boat registrations or vessel permits, specified licenses, and license tags, but not stamps The authorized license agent may also retain a specified part of the license fee for selling a specified Colorado River special use stamp The authorized license agent is required to remit fees received within 10 days of the end of each calendar month A failure of a license agent to account for the licenses, tags, stamps, or permits or money received upon demand of the department is a misdemeanor

This bill would, additionally, prohibit an officer of the department from being authorized to act as a license agent and would delete the specified handling charges for boat registrations and commercial salmon vessel permits, thus conforming the provisions for handling charges to the documents which the department may authorize a license agent to issue

The bill would require a license agent to add and collect the handling charge for each license, license stamp, or license tag issued, and prohibit the license agent from collecting from the license applicant any amount less than the prescribed fees The bill would also revise and recast the provisions relating to retention of the added handling charges and 15¢ from the fee for a specified Colorado River special use stamp The bill would

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require the monthly fee remittal for each book, as specified, containing licenses, license stamps, or license tags, all of which are issued, to be transmitted on or before 20 days after the last day of the calendar month of issue with an accounting report of the documents received, issued, remaining on hand, reported lost, and returned to the department and would make the failure or refusal to account for the documents and fees monthly, as specified, a misdemeanor, thereby imposing a state-mandated local program.

The bill would also require losses of any of the documents or any or all of the fees received to be reported to the department before the end of the next business day of the department.

The bill would prohibit the department from providing for issuance any of the specified documents to a license agent who fails to fully comply with the reporting requirements in the bill.

(2) Existing law requires an authorized license agent, when requested by the department, to execute a bond in the amount of the sum of the licenses delivered to the agent to secure the faithful accounting and payment of funds collected from the sale of licenses and the faithful performance of duties, as specified. The premium on the bond may be paid by the department from the Fish and Game Preservation Fund.

This bill would require the bond or an assignment of a certificate of deposit payable to the department to be in the value of the fees due from all of the documents provided for issuance to the license agent, would delete the condition on the requirement that the department require the bond, and would remove the authority for the department to pay the premium on the bond

The bill would authorize the department to waive the bond or certificate of deposit requirement under specified conditions

(3) Existing law makes the failure of a license agent to account for the documents upon demand of an authorized representative of the department a misdemeanor

This bill would, instead, make the failure or refusal to account for the documents or money received in accordance with the bill or upon demand a misdemeanor, thus imposing a state-mandated local program The bill would also require a license agent, who fails to remit fees to the department by the time specified in the bill, to pay interest and penalties beginning 21 days after the last day of the calendar month in which the fees were collected in the amounts prescribed for sales and use taxes and would require the department to collect the amounts due through the deficiency determination, jeopardy determination, suit, and lien procedures prescribed for sales and use taxes, as specified.

(4) The bill would also require the Department of Fish and Game to transmit to the Department of Finance a summary report of the fee remittances and accounting reports of license agents received under the bill and a specified delinquency report within 45 days of the last day of the calendar month for which the fee remittance and accounting reports from the license agents were due under the bill. The bill would also expand the annual audit requirement of the fee remittances and reports by the Auditor General in 1986 and 1987, as specified.

(5) Under existing law, the Joint Legislative Audit Committee establishes priorities and assigns all work to be done by the Auditor General, and the committee is not required to direct the Auditor General to conduct an audit or investigation unless the statutory mandate to conduct the audit and investigation expressly excepts the priority setting power of the committee and appropriates funds for the study.

This bill would also require the Auditor General to conduct a compliance audit and investigation of the accounting for the department's documents issued to or by, and the fees received by authorized license agents since July 1, 1980, and a review of the adequacy of collection procedures, as specified The bill would require the Auditor General to make a report thereon to the Legislature by January 1, 1986. The bill would require the Auditor General to provide technical assistance to the Department of Fish and Game for specified purposes and to make a specified report by January 15, 1986.

(6) The bill would appropriate $130,000 from the General Fund, of which $80,000 would be allocated to the Joint Legislative Audit Committee for expenditure in the 1985–86, 1986–87, and 1987–88 fiscal years for the compliance audit and the annual examination and report of the Auditor General required by the bill. The bill would make legislative findings regarding funding in the 1985–86 and subsequent fiscal years.

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The bill would also allocate $50,000 of the appropriation to the Department of Finance to conduct a specified feasibility study, and the bill would require the department to report on its findings and recommendations to the Legislature on or before July 1, 1986.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 1311 (SB 1318) Marks Courts: personnel.

(1) Existing law provides that no rule adopted by a superior, municipal, or justice court shall take effect until it has been filed with the Judicial Council for 30 days, except as specified.

This bill would revise this filing requirement to provide that no such rule shall take effect until the January 1 or July 1, whichever comes first, following the 30th day after it has been filed with the Judicial Council, except as specified.

(2) Existing law provides for the number, compensation, and classification of personnel of the superior and municipal courts in San Francisco.

This bill would revise the number, compensation, and classification of personnel of the superior and municipal courts in San Francisco, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law specifies the number and classification of the employees of the Central Judicial District of Marin County

This bill would revise the number and classification of the employees of the Central Judicial District of Marin County, and authorize the appointment by the judges of a part-time traffic referee, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law provides for the compensation of municipal and superior court reporters, and the number, compensation, and classification of specified municipal court personnel in Fresno County.

This bill would revise the compensation of municipal and superior court reporters, and the number, compensation, and classification of specified municipal court personnel in Fresno County, thereby imposing a state-mandated local program.

(5) Existing law specifies the compensation of court reporters, and the number, compensation, and classification of various municipal court employees in Stanislaus County.

This bill would revise the compensation of court reporters and the number and compensation of various municipal court employees in Stanislaus County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(5.5) Existing law provides that the clerk of the Napa Municipal Court shall be the court administrator and perform specified duties at the direction of the presiding judge.

This bill would provide in addition that the clerk shall be appointed and serve at the pleasure of a majority of judges of the court.

(6) Existing law specifies the compensation of superior court reporters, and the number, compensation, and classification of municipal court personnel in Santa Barbara County.

This bill would revise the compensation of superior court reporters, and the number, compensation, and classification of municipal court personnel, in Santa Barbara County, thereby imposing a state-mandated local program.

(7) Existing law provides for the number and classification of officers and employees of the municipal courts in Alameda County.

This bill would revise the numbers and classification of specified officers and employees of the municipal courts in Alameda County, thereby imposing a state-mandated local program

(8) Existing law specifies the number, compensation, and classification of the employees of the Sacramento Municipal Court District.

This bill would revise the number, compensation, and classification of the employees of the Sacramento Municipal Court District, thereby imposing a state-mandated local

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program by requiring a higher level of service under an existing program.

(9) Existing law provides that the marshal's office in Contra Costa County shall maintain a branch at each judicial district.

This bill would provide that the marshal shall maintain a branch office in the Bay Judicial District, Mt Diablo Judicial District, and Delta Judicial District

(9.1) Existing law specifies the number, compensation, and classification of municipal court personnel in Contra Costa County

This would revise the number, compensation, and classification of municipal court personnel in Contra Costa County, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(9.2) Existing law provides for no more than 2 court commissioners for all of the municipal court judicial districts in Contra Costa County. The commissioners are required to serve their appointed court full time or if appointed to serve 2 or more courts, to serve sufficient time with each to total full time.

This bill would provide for up to 4 commissioners for all of the municipal court judicial districts in Contra Costa County instead of 2 and delete their full-time service requirement.

(10) Existing law provides for the compensation of municipal court personnel in Merced County

This bill would revise the compensation of municipal court personnel in Merced County, thereby imposing a state-mandated program by requiring a higher level of service under an existing program

(11) Existing law provides for the number, compensation, and powers and duties of municipal court commissioners and the classification, number, and compensation of municipal court employees in Orange County

This bill would revise the number, compensation, and powers and duties of municipal court commissioners and the classification, number, and compensation of municipal court employees in Orange County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(12) Existing law specifies the number, compensation, and classification of the officers and employees of the municipal courts in Riverside County

This bill would revise the number, compensation, and classification of the officers and employees of the municipal courts in Riverside County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(13) Existing law provides for one commissioner for the Sacramento Municipal Court District.

This bill would increase the number of commissioners for the Sacramento Municipal Court District from 1 to 2, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(14) Existing law provides that certain personnel of the Sacramento Municipal Court District shall not be deemed to hold civil service positions, and that personnel of the court not so specified shall be subject to the county civil service provisions

This bill would authorize the personnel of the Sacramento Municipal Court District not deemed to be civil service to be blanketed into the county civil service system according to the provisions of a resolution adopted by the board of supervisors, as specified

(15) Existing law specifies the number, classification, and compensation of municipal court employees of the Redding Judicial District in Shasta County

This bill would revise the number, classification, and compensation of municipal court employees of the Redding Judicial District in Shasta County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also specify that a part-time commissioner of the Redding Judicial District, with approval of the court, may practice law except before that court

(16) Existing law provides for the number, compensation, and classification of employees of the San Luis Obispo Municipal Court

This bill would revise the number, compensation, and classification of employees of the San Luis Obispo Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(17) Existing law specifies the number, compensation, and classification of the employees of the Placer County Municipal Court.

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This bill would revise the number, classification, and compensation of municipal court employees of the Placer County Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. This bill would also delete certain obsolete provisions relating to the consolidated municipal court in Placer County

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1312 (SB 1379) Marks Child day care facilities

Existing law permits the Director of Social Services to temporarily suspend any license, registration, or special permit of a child day care facility, prior to a hearing when the action is necessary to protect any child of the facility from physical or mental abuse, abandonment, or any other substantial threat to health and safety

This bill would require the director or the local licensing agency to send written notification of a temporary suspension to the parent or guardian of each child The State Department of Social Services or the local licensing agency would be required to post notice of the temporary suspension at the facility, removal of which would be punishable by a $500 fine

The bill would require each child day care facility to maintain a current roster of children who are provided care in the facility, as specified, which shall be available to the licensing agency upon request

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by requiring local licensing agencies to send and post notice of the temporary suspension of a child day care facility license, registration, or special permit and by requiring the facility to maintain a current roster of children who are provided care in the facility.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 1313 (SB 1095) Craven Transportation Los Angeles-San Diego rail corridor study group

Under existing law, the Department of Transportation performs various functions regarding planning and funding for transportation-related projects

This bill would state certain legislative findings and declarations regarding the rail transportation needs and alternatives within the Los Angeles-San Diego transportation corridor The bill would create the Los Angeles-San Diego State Rail Corridor Study Group chaired by the Director of Transportation or the director's designee The bill would authorize the Los Angeles County Transportation Commission, the Orange County Transportation Commission, the Southern California Association of Governments, and the San Diego Association of Governments to each appoint a representative to the study group The bill would also authorize the Speaker of the Assembly, the Senate Committee on Rules, the National Railroad Passenger Corporation (Amtrak), the Atchison, Topeka and Santa Fe Railway Company, the Federal Railroad Administration, and the Secretary-Treasurer of the California Labor Federation to each appoint a representative to the study group The bill would direct the study group to identify improvements on the line that will reduce running times, increase service reliability, and facilitate the operation of additional intercity and commuter trains, while maintaining current freight capacity, develop criteria to determine the priorities of these improvements on a cost-benefit basis; investigate the feasibility of public acquisition of the line to preserve rail passenger and transit service, establish an implementation and funding plan, and prepare and submit to the Legislature a report of its findings and recommendations on or before January 1, 1987

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The bill would appropriate $150,000 from the Transportation Planning and Development Account in the State Transportation Fund to the department for these purposes, to be made available to match, in an equal amount, any funds or in-kind services or contributions provided for the purposes from nonstate sources

Ch. 1314 (SB 1119) Garamendi Aid to Families with Dependent Children: Supported Work Program

Existing law provides for the Employment Preparation Program, which is administered by the Employment Development Department, in order to provide employment and training services to applicants for, and recipients of, the Aid to Families with Dependent Children program.

This bill would instead provide that the Employment Preparation Program shall be administered by the State Department of Social Services.

Existing law provides that, under the Employment Preparation Program, the Employment Development Department shall, as resources permit, periodically review the status of those participants who are either required to participate or are voluntarily participating in the program, but for whom services were unable to be provided under the program upon program registration, in order to determine whether services can now be provided.

This bill would create a state-mandated local program by instead placing this duty with each participating county welfare department.

This bill would also repeal the above-mentioned provisions effective January 1, 1988, and would provide that prior existing law becomes effective

The bill would make other technical nonsubstantive changes

Existing law provides for a community work experience program in San Diego County, for the employment of Aid to Families with Dependent Children recipients The program is authorized to be operated until July 1, 1987.

Existing law also requires that a report, which includes specified items, must annually be submitted to the Joint Legislative Budget Committee by the State Department of Social Services. The Legislative Analyst is required to produce the report

This bill would instead require that the State Department of Social Services submit these reports on December 1, 1986, and December 1, 1987, to the Legislature. The department would also be required to submit its methodology for each report to the Legislative Analyst on January 15, 1986, and January 1, 1987, respectively, and the Legislative Analyst would be required to submit comments to the department on the proposed methodology and a review of each report to the Legislature.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

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

Ch. 1315 (SB 1143) Beverly. Premarital agreements.

Existing law contains provisions governing the execution of contracts for marriage settlements.

This bill would repeal those provisions and instead would add provisions relating both to marital and premarital agreements, generally similar to existing law, as well as enacting the Uniform Premarital Agreement Act, which would provide a detailed scheme for the execution of premarital agreements.

The bill also would make related changes.

Ch 1316 (SB 830) Robbins. Credit life and disability insurance

The Insurance Commissioner has promulgated administrative regulations which, among other things, affect premium rates charged by credit life and credit disability

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insurers, and applicable reserve levels. Additionally, existing law provides that provisions of the Insurance Code regulating credit life and credit disability insurance are to be liberally construed

This bill would remove that statutory provision relating to liberal construction and provide that the Legislature, on or after January 1, 1985, reserves to itself the adoption of any additional rules and regulations governing rates for or compensation derived from the sale of credit life and credit disability insurance or rules and regulations governing retention or reserve levels. The bill would also codify regulations of the Department of Insurance, with certain changes, relating to credit life and credit disability insurance and the compensation of insurers therefor, as specified. The Insurance Commissioner would be specifically given specified investigatory powers in connection with that compensation.

This bill would prohibit various practices in connection with credit life or credit disability programs It would prohibit the issuance of a contract of credit life or credit disability insurance in this state, on and after January 1, 1987, unless the maker first ascertains, if applicable, that any nonadmitted reinsurers have capital and surplus of at least $1,000,000. The Insurance Commissioner would be authorized to adjust credit life and credit disability premium rates if the rates provide an inadequate margin for reasonable expenses, profits, and reserves, as specified.

The bill would also state legislative intent

Ch 1317 (SB 877) Petris High technology educational and research facilities· construction and renovation

Existing law authorizes the State Public Works 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 requires 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 also authorizes 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, in addition, would provide that the board is authorized to finance the construction or renovation, and equipping, of public buildings or facilities within the University of California, which are to be lease purchased by the United States Government.

Ch. 1318 (SB 885) Maddy. Vessels· accidents.

Under existing law, any person who gratuitously and in good faith renders assistance at the scene of a vessel accident without objection by any person assisted is not liable for civil damages as a result of rendering assistance where the assisting person has acted as an ordinary, reasonably prudent person would have acted.

This bill would provide that an individual employee of a public entity engaged in rescue shall not be a proper party defendant and shall be dismissed on motion, unless the employee has violated a statute other than a statute creating a general obligation to rescue or is guilty of oppression, fraud, malice, or the conscious disregard of the safety of others. The bill would provide that the public entity employing the individual shall be liable in civil damages where the individual employee has failed to act as a reasonably prudent person would have acted under the same or similiar circumstances, but would provide that where a public entity has given a warning of the danger, as specified, and there has been a reasonable opportunity for the party in distress to receive the warning, the public entity shall be liable only for acts or omissions of its employee which were taken in a grossly negligent manner

Ch. 1319 (SB 603) Russell. Local agencies. formation: reorganization.

(1) Existing law prescribes procedures for the annexation of territory to a city. Annexation proceedings may be initiated by resolution of the governing body of the city or by petition of residents of the territory proposed to be annexed

Under existing law, a petition proposing a city incorporation, municipal reorganiza-

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tion, or change of organization may not be accepted unless the signatures on the petition were secured within 6 months of the date on which the first signature was affixed.

This bill would, instead, require in cities with a population with more than 100,000 residents which are located in a county with a population of more than 4,000,000 that the signatures on the petition be secured within 90 days of the publication of a notice of intention to circulate the petition

(2) Under existing law, a petition for annexation of territory to a city must be signed either by 5% of the registered voters residing in the territory to be annexed, or by 5% of the number of owners of land within the territory to be annexed who also own 5% of the assessed value of land within the territory.

This bill would, in the case of a petition to annex territory to a city with more than 100,000 residents which is located in a county with a population of more than 4,000,000, increase both of these specified percentages to 8%.

(3) Under existing law, the local agency conducting annexation proceedings is required by law to take specified actions, depending upon the number of filed protests. If protests are received from 25% or more of the voters or landowners in the territory to be annexed, the conducting authority is required to order the territory annexed, subject to confirmation by the voters at a special election on the question. If protests are received from less than 25% of the voters or landowners in the territory to be annexed, the conducting authority is required to order the territory annexed without an election action

This bill would decrease both of these specified percentages to 15% In so doing, the bill would impose a state-mandated local program by decreasing the number of protests required to necessitate the calling of a special election on the question of annexation to cities of more than 100,000 residents

(4) Existing law does not prohibit the initiation of proceedings for the incorporation, reorganization, or change of organization of a city, or proceedings under the District Reorganization Act of 1965, due to the proposal's inconsistency with the sphere of influence of any affected city or affected district

This bill, when the proposal is an inhabited annexation to a city with over 100,000 residents which is located in a county with a population of over 4,000,000, would prohibit those proceedings from being initiated unless the proposal is consistent with the sphere of influence of any affected city or affected district and would require that a petition to initiate proceedings state whether the proposal is so consistent.

(5) Presently, prior to circulating any petition relating to the annexation of territory by a city, the consolidation of cities, or the dissolution of a city, the proponents are required by a provision of the Elections Code to publish a prescribed notice of intention to do so, accompanied by a written statement of the reasons for the proposal, signed by a specified number of the proponents

This bill would delete that requirement, and would add a similar requirement to the Municipal Organization Act of 1977. It would also specify that the notice shall be signed by at least one, but not more than 3, rather than not more than 5, proponents

(6) Under existing law, in proceedings to annex territory to or to detach territory from a city, the conducting authority, as defined, is required, in its resolution initiating the proceedings, to, among other things, fix a time, date, and place for a hearing on the proposal The date of the hearing is required to be not less than 30 nor more than 45 days after the date of adoption of the resolution.

This bill would require, in the case of a proposal to annex or detach territory which is inhabited to a city with more than 100,000 residents which is located in a county with a population of over 4,000,000, that the date of the hearing be at least 90 but not more than 105 days after the date of adoption of the resolution

(7) The bill would require the Legislative Analyst, with the cooperation of the Los Angeles Local Agency Formation Commission, to prepare a report on the effects of the bill and submit it to the Legislature by February 15, 1987 As applied to the commission, this would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

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This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 1320 (SB 525) Maddy. Hospital districts.

(1) Existing law enumerates the various powers of a hospital district, including the power to administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest

This bill would revise this power to, among other things, authorize a hospital district to establish one or more trusts for the benefit of the district This bill would also permit a hospital district or an affiliated nonprofit corporation to lease and operate the realty, facilities, and business of another hospital district or to create a leasehold interest, as specified

(2) Existing law permits a hospital district to purchase, receive, hold, lease, and enjoy property within the limits of the district. Existing law also permits a hospital district to establish, maintain, and operate one or more health facilities at any location within the hospital district's service area as stated in the state health plan.

This bill would permit the property powers to be exercised within or without the district. It would delete reference to any location within the district's service area, as set forth above, and instead permit a district to establish, maintain, and operate one or more health facilities within or without the district for the benefit of the district, as specified.

(3) Under existing law, a hospital district is authorized to borrow money and incur indebtedness pursuant to specified provisions of law

This bill would delete all reference to the specified provisions of law and, instead, would authorize a district to borrow money and incur indebtedness in an amount not to exceed 75% of all estimated income and revenue for the current fiscal year It would also authorize a district to execute promissory notes or other evidences of indebtedness as may be required.

Ch. 1321 (SB 347) Petris. Crimes fines

Existing law does not authorize courts to order convicted defendants to pay an additional fine with all moneys collected from those fines to be used for local crime prevention programs

This bill would authorize courts to order defendants convicted of certain offenses to pay an additional fine of $10

It would require all fines collected to be transferred to the local law enforcement agency in the jurisdiction where the offense took place, to be used for local crime prevention programs

Ch. 1322 (SB 340) Robbins Off-highway motor vehicles· signs

Under existing law, any person who maliciously removes or alters markers or signs provided for the guidance or safety of off-highway motor vehicles is guilty of a misdemeanor with specified penalties [Any person who, with intent to do great bodily harm, (1) proximately causes great bodily injury to any person as a result of maliciously removing or altering those markers or signs, or (2) erects or places a cable, chain, rope, fishing line, or similar material which is unmarked or intentionally placed, is guilty of a felony.]*

This bill would also make that person liable for civil damages, as specified, if adverse environmental impacts result from the violation.

Ch. 1323 (SB 643) Royce. Apprenticeship education

Under existing law, school districts and community college districts receive reimbursement of $3 25 per 50-minute hour of teaching time for providing instruction to apprentices enrolled in courses pursuant to an apprenticeship agreement, except as otherwise prescribed.

This bill would increase the amount of reimbursement to $3.58 per 50-minute hour

This bill would specify that these provisions are applicable to isolated apprentices, as defined by specified provisions of current law, for which alternative methods of instruction are provided. The bill would appropriate $150,000 to the Controller, to be allocated as specified, for these purposes

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Ch. 1324 (SB 1034) B. Greene. Possession of firearms by mental patients.

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 an exception permitting release of the information to reasonably foreseeable victims and law enforcement agencies if a patient in the opinion of his or her psychotherapist presents a serious danger of violence to these reasonably foreseeable victims.

Existing law prohibits the possession, control, or custody of firearms by a mental patient in a hospital or institution or on leave of absence from a hospital or institution

This bill would prohibit those patients from having possession, custody, or control of firearms or other deadly weapons as defined.

Existing law requires the confiscation of firearms by law enforcement agencies or peace officers from any person detained or apprehended for examination of his mental condition or who is a mental patient in, or on leave from, a hospital or institution until the person is released without commitment, the person's capacity is restored, a guardian or conservator is appointed for the person, or the court orders other disposition. When the person is released without commitment and the law enforcement agency does not petition the superior court within 30 days for a judicial determination on return of the firearm, it shall be returned.

This bill would extend confiscation to deadly weapons possessed by these persons The bill would prohibit release of the firearm or deadly weapon by law enforcement agencies except upon the order of the superior court.

Existing law prohibits the possession, custody, or control of a firearm by a person adjudicated to be a danger to others as a result of a mental disorder or mental illness unless a court issued certificate permits possession. Existing law prohibits the possession, custody or control of a firearm by a person found not guilty by reason of insanity of any crime However, if the committing court finds that sanity has been restored the person may be permitted to possess or have custody or control of a firearm except in cases of specified offenses. Existing law makes similar provisions for persons found mentally incompetent to stand trial and placed under a conservatorship as gravely disabled The violation of these prohibitions is a felony

This bill would extend these prohibitions to the possession, custody, or control of deadly weapons by these persons.

This bill would impose a state-mandated local program by the creation of new crimes relating to the possession of firearms and deadly weapons.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making the reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes in Section 5328 of the Welfare and Institutions Code proposed by SB 1088 and AB 1750, which would become operative, as specified, only if either or both of those bills and this bill are chaptered, and this bill is chaptered last.

Ch. 1325 (SB 243) Presley Income tax· energy credits.

Existing provisions of the Personal Income Tax Law authorize, for taxable 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 installed on premises in California which are owned by the taxpayer at the time of installation Certain low-income taxpayers are entitled to refunds for taxable years beginning before January 1, 1982, to the extent their credits exceed their tax liability under the law

This bill would appropriate $2,400,000 from the General Fund to the Controller for allocation from the Tax Relief and Refund Account for the purpose of making these refunds It would require the Franchise Tax Board to give notice to individuals known by the board to be potentially eligible for the refunds.

Existing provisions of both the 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 various specified percentages of the acquisition and installation cost of solar energy

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systems and energy conservation measures. With respect to installations of solar energy systems on multifamily dwellings prior to August 1, 1985, the applicable credit percentage is larger than that applicable to installation after that date.

This bill would modify those provisions to provide that solar energy systems installed on or after August 1, 1985, on multifamily dwellings are eligible for the larger percentage credit, as specified, if a written binding contract to purchase the primary components of a system is entered into by the taxpayer or any other party before August 1, 1985, and the system is installed on or before December 31, 1985.

This bill would also provide that energy conservation measures include, on or after January 1, 1986, the following measures when installed on premises. thermal windows or doors, and interior storm windows which have a value of 0.45 or less; duty cyclers; clock thermostats; evaporative coolers; whole house fans; exterior shading devices; energy-saving controls or automatic switching devices for the efficient use of natural light to replace electric interior lighting; and thermal energy storage devices containing control systems.

The bill would take effect immediately as an urgency statute.

Ch 1326 (SB 734) Russell. Pupil transportation Antelope Valley Schools Transportation Agency.

Existing law authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board that transportation is advisable and good reasons exist therefor, as prescribed. Existing law requires the Superintendent of Public Instruction to apportion allowances for pupil transportation services in accordance with the requirements of current law.

This bill would authorize the Antelope Valley Schools Transportation Agency, on or before February 1, 1986, to request that it be deemed to be a single entity for purposes of receiving transportation allowances and, if the single entity status is requested pursuant to this bill, would require the transportation agency to file notice of the joint powers agreement with the Superintendent of Public Instruction, as prescribed.

This bill would require the superintendent, upon receipt of the notification required by this bill, state verification of the joint powers agreement, and the consent of each entity participating in the Antelope Valley Schools Transportation Agency, to authorize the Los Angeles County Office of Education to file consolidated reports and other documents required under this bill and under emergency rules and regulations required to be prescribed by the superintendent for purposes of receiving transportation allowances for pupil transportation services. This bill would require these allowances to be apportioned to the Los Angeles County Office of Education until such time as the joint powers agreement is terminated, or until one or more of the participating entities rescinds its consent.

This bill would require the Antelope Valley Schools Transportation Agency to operate pursuant to specified provisions of current law governing joint powers agreements, and would require the transportation agency to comply with prescribed reporting and expenditure and appropriation controls prescribed under current law.

This bill would require the Antelope Valley Schools Transportation Agency to annually report information to its participating school districts, on forms designated for that purpose by the superintendent.

This bill would require changes in the membership of the transportation agency to be approved in accordance with the transportation agency joint powers agreement, or by amendment to that agreement by the transportation agency governing board, as prescribed.

This bill would specify that for purposes of certain provisions of current law, the home-to-school transportation aid received by the Antelope Valley Schools Transportation Agency in the 1985–86 fiscal year and each fiscal year thereafter shall be computed as if the home-to-school transportation aid received by the transportation agency in the 1984–85 fiscal year was $1,830,703.

This bill would state legislative recognition that the use of a joint powers agreement for purposes of authorizing a transportation agency to receive apportionments under current law is a new concept requiring evaluation prior to approval for use in other areas of the state. This bill would require, on or before January 1, 1988, that the State Department of Education, the Department of Finance, the Los Angeles County Office of

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Education, and the Controller conduct an evaluation of the Antelope Valley Schools Transportation Agency and submit recommendations to the Legislature for these purposes.

Ch. 1327 (SB 790) Seymour. Architecture

(1) Existing law specifies that the membership of the State Board of Architectural Examiners consists of 9 members, 3 of whom are architects, one building designer, and 5 public members Existing law further provides that the act or decision of 5 members at a meeting duly held at which a quorum of 6 members is present shall be necessary to constitute an act or decision of the board.

This bill would increase the membership of the board to 10 members by adding an additional architect member. This bill would further provide that the concurrence of 5 members present at a meeting duly held at which a quorum of 6 members is present shall be necessary to constitute an act or decision of the board, except that when all 10 members of the board are present at a meeting duly held, the concurrence of 6 members shall be necessary to constitute an act or decision of the board

(1.5) Existing law regulating the practice of architecture specifies that it does not prohibit any person from preparing plans, drawings, or specifications for specified buildings. Existing law regulating the practice of engineering specifies that it does not prohibit the preparation of plans, drawings, specifications, estimates, or instruments of service by any person not registered as a civil, electrical, or mechanical engineer for specified buildings The descriptions of the buildings specified in each provision are not identical

This bill would revise both provisions so that the language of both is identical The bill also would provide that if any portion of any exempted structure, as specified, deviates from conventional framing requirements for woodframe construction found in the 1985 Edition of the Uniform Building Code or tables of limitation for woodframe construction, the building official having jurisdiction shall require the preparation or plans, drawings, specifications, or calculations for that portion by, or under the direct supervision of, a licensed architect or registered engineer

(2) Existing law makes it unlawful for any person to hold himself or herself out as an architect unless the person is licensed to engage in the practice of architecture

This bill would restate that prohibition as it relates to structural engineers, contractors, professional engineers, civil engineers, landscape architects, and land surveyors, as specified

(3) Existing law provides that provisions of law regulating the practice of architecture do not prohibit a contractor from designing systems or drawing plans, as specified, while engaged in the business of contracting. Existing law also provides that a contractor is exempt from those provisions, if services otherwise subject thereto are performed on behalf of the contractor by, or under the supervision of, a licensed architect, registered building designer, or a licensed professional or civil engineer

This bill would recast and revise that exemption by providing that a contractor may not perform design services beyond those described in specified provisions of the Business and Professions Code, unless those services are performed by, or under the supervision of, a licensed architect, or a licensed professional or civil engineer. The bill also would provide that those services may include the preparation of shop and field drawings and designing systems and facilities, as specified for which the contractor has offered to perform.

(4) Existing law provides for an exemption from provisions of law regulating the practice of architectural work on store fronts and interior alterations, as specified

This bill would limit that exemption to nonstructural work, as specified

(5) This bill would incorporate additional changes to Sections 5515, 5537.1, 5537 3, 5537 4, and 5537.5 of the Business and Professions Code, as proposed by AB 1326, if this bill and AB 1326 are both chaptered and this bill is chaptered last This bill also would incorporate various changes proposed by AB 2196 with respect to Section 5514 of the Business and Professions Code, if both bills are chaptered and this bill is chaptered last

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified

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reason.

Ch 1328 (SB 1057) Lockyer Evidence

Existing law prescribes the showing required when a party is required to show "good cause" to obtain discovery, as specified.

This bill would require "good cause" to be shown to obtain discovery regarding the plaintiff's sexual conduct in cases relating to sexual harassment, sexual assault, or sexual battery.

Existing law prescribes a procedure for determining the admissibility in certain criminal cases of evidence of sexual conduct of the complaining witness to attack credibility.

This bill would prescribe a similar procedure for civil actions relating to sexual harassment, sexual assault, or sexual battery, as to evidence of sexual conduct of the plaintiff.

Existing law prohibits the use of certain evidence of a complaining witness' sexual conduct in certain criminal cases to prove consent.

This bill would prohibit the use of that kind of evidence to prove consent by the plaintiff in a civil action relating to sexual harassment, sexual assault, or sexual battery.

Existing law prescribes exclusive procedures for discovery and taking of evidence as to adjudicatory hearings conducted by state agencies.

This bill would establish criteria for the discovery and taking of evidence of a complainant's sexual conduct in those hearings which relate to sexual harassment, sexual assault, or sexual battery

Ch. 1329 (SB 536) Watson. Crimes.

Under existing law, a person who obtains credit, food, or accommodations at certain establishments without paying and with intent to defraud, or who obtains credit by false pretense at specified establishments, or who after obtaining credit, food, or accommodations, absconds, or surreptitiously, or by force, menace or threats, removes his or her baggage without paying for the food or accommodations, is guilty of a misdemeanor

This bill would broaden the list of establishments by adding marinas and marine facilities and also provide that the obtaining of fuel or services in any of the manners outlined above for obtaining credit, food, or accommodations would also constitute a misdemeanor.

This bill would incorporate additional changes in Section 537 of the Penal Code, proposed by AB 405, to be operative only if AB 405 and this bill are both chaptered and become effective January 1, 1986, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1330 (SB 500) Deddeh. Driving offenses

Under the so-called implied consent law in the Vehicle Code, a person lawfully arrested for driving under the influence of an alcoholic beverage, any drug, or both, with an excessive blood-alcohol concentration, or when addicted is deemed to have consented to specified chemical testing of the blood, breath, or urine for alcohol or drugs. The Department of Motor Vehicles is required to suspend or revoke a person's driving privilege if the person refuses to submit to, or fails to complete the required testing.

This bill would require the department to revoke the driving privilege for 2 years for a refusal or failure to complete the testing if one separate violation, as specified, has occurred within 5 years.

The bill would also incorporate changes made to Section 13353 of the Vehicle Code, as revised and recast by AB 331, to become operative if both bills are enacted and this bill is enacted last.

Ch. 1331 (SB 1280) Marks Employment: disabled persons

Existing law provides that, until January 1, 1986, when agreed to by a claimant for unemployment compensation disability benefits, the Employment Development Department may supply to the Department of Rehabilitation confidential information concerning the individual in his or her disability benefits case file.

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This bill would extend this provision until January 1, 1988.

Ch. 1332 (SB 1290) McCorquodale. Local improvements.

(1) Under the Improvement Act of 1911, if any lot or parcel of land for which a bond has been issued is divided, the bond may be surrendered and new bonds issued to the holder of the existing bond pursuant to a specified procedure.

This bill would specifically apply this procedure when lots or parcels are combined, would make conforming changes to related statutes, and would state that these changes are declaratory of existing law.

(2) The Improvement Act of 1911 prescribes procedure for the issuance by local legislative bodies of improvement bonds

This bill would state that these bonds may be refunded pursuant to a specified refunding procedure applicable to 1915 Improvement Act bonds.

(3) Under the Improvement Bond Act of 1915, the legislative body of a local agency may issue improvement bonds at fixed rates. The bonds and interest are required to be paid at the office of the treasurer of the city or county.

This bill would authorize a legislative body, at its discretion, to issue bonds under the act with a variable interest rate, as specified. The bill would require the bonds to be sold at not less than 95% of the principal amount. The bill would authorize the legislative body to designate a paying agent other than the treasurer to collect assessments and to pay bondholders.

(4) Under the Municipal Improvement Act of 1913, a legislative body that seeks to make an improvement is required to request a report from the officer having charge or control of the construction of the improvement. The report is required to contain a proposed assessment of the cost of the improvement apportioned among the subdivisions benefited thereby.

This bill would authorize the person preparing the report to presume that facilities which are required to meet the needs of future residents of an area, as indicated by a general or specific plan for the area, will benefit undeveloped and underdeveloped property within the area

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

Ch 1333 (SB 1299) Royce Medi-Cal.

Existing law provides that outpatient laboratory services and X-ray services are provided as a benefit under the Medi-Cal program, to the extent prescribed.

This bill would provide that these services are covered, subject to utilization controls.

Existing law requires the State Department of Health Services to develop procedure codes for durable medical equipment and orthotic and prosthetic equipment and services. Existing law also provides that until the procedure codes are implemented, providers shall bill for durable medical equipment and orthotic and prosthetic equipment and services at the manufacturer's suggested retail price.

This bill would repeal the requirement that this equipment and these services be billed at the manufacturer's suggested retail price until the department's procedure codes are implemented

Under existing law, the department may adjust interim payment rates to hospitals, and may control or freeze reimbursement rates.

This bill would provide that the department may make interim rate adjustments and also implement collection procedures to recover overpayments to hospitals, at tentative and final settlement This bill would also declare that this provision is declaratory of existing law

Existing law requires the department to adopt regulations establishing an administrative appeal process, as specified, to review grievances or complaints arising from the findings of an auditor examination.

This bill would permit the State Director of Health Services to establish different administrative appeal processes for grievances or complaints based on auditor examination findings, depending on whether the settlement is final or tentative except that no administrative appeal would be available for tentative settlement of cost reports.

This bill would also incorporate additional changes in Section 14132 of the Welfare and Institutions Code proposed by AB 1098, AB 1172, and AB 1336, contingent upon the enactment of those bills.

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Ch. 1334 (SB 330) Mello. Falconry licenses and penalties.

(1) Under existing law, it is a misdemeanor to capture any nongame bird except as provided by the Fish and Game Code or regulations adopted pursuant thereto. The Fish and Game Commission is authorized to adopt regulations for the possession and training, and to license possession, of birds-of-prey. Violation of regulations adopted under the Fish and Game Code are misdemeanors.

This bill would specifically make it unlawful to capture, in addition to possess or train, any bird-of-prey in the practice of falconry without procuring a falconry license.

The bill would also authorize the commission to adopt regulations for the capture, importation, exportation, or intrastate transfer of birds-of-prey

The bill would expressly make it unlawful to take, possess, or destroy any bird in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or regulations adopted pursuant thereto, and would make each violation of that provision relating to any bird-of-prey designated as endangered, threatened, or fully protected, or each violation of that section relating to any bird-of-prey taken from the wild and reported to the department as having been bred in captivity, punishable by a fine of up to $5,000 or imprisonment in the county jail for up to one year, or by both.

(2) Under existing law, a falconry license is valid for a fiscal year commencing on July 1, upon payment of a $25 fee

This bill would change the falconry license year to begin on March 1 and end on the last day of February of the next succeeding calendar year. The bill would change the fee to $30 for the license year beginning March 1, 1986, and would adjust those fees, which begin March 1 of each subsequent year, by an inflationary index, by specifying the 1984–85 fiscal year as the inflationary index base year.

The bill would require that a fee of $10, as adjusted under the bill for inflation, using the 1985–86 fiscal year as the base year, be collected for a permit for the importation, exportation, or intrastate transfer of a birds-of-prey.

(3) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Preservation Fund to the department for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would increase the amount of money in the fund and change the duties of the department and the commission, it would make an appropriation.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating new crimes.

The bill would provide that no reimbursement is required by this act for a specified reason

(5) Existing law provides that if 2 statutes are enacted in the same session, the statute which is enacted last prevails over statutes enacted earlier, absent an express provision to the contrary in the statute with the higher chapter number.

The bill would provide that, if this bill and AB 617 are both enacted and both affect, as specified, Section 396 of the Fish and Game Code, Section 396 as repealed and added by this bill will become operative, regardless of whether this bill is enacted before or after AB 617

Ch. 1335 (AB 1205) Robinson Vehicle towing and storage.

(1) Under existing law, the owner or person in lawful possession of private property may cause the removal of a vehicle parked on the property if a specified sign of a size specified by ordinance is posted, the lot is improved with a single-family dwelling, and notice to law enforcement is made, as specified. The towing company removing a vehicle at the request of the property owner or the owner's agent is not responsible in any situation relating to the validity of the removal.

This bill would specify the size of the sign and the lettering thereon, and would permit the sign to also indicate that a citation may also be issued for the violation. The bill would limit the charge that a towing company may impose for towing a vehicle at the request of the property owner or the owner's agent to $20, if the vehicle owner or the owner's agent returns to the vehicle before it is removed from the private property.

The bill would also make towing companies who charge excessive fees, as described, liable to the vehicle owner for 4 times the amount charged The bill would make the private property owner or person in lawful possession of the property who causes the

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removal liable for double the storage or towing charges if the specified requirements have not been met The bill would also require the operator or person in charge of the storage facility for vehicles stored, as specified, to accept valid bank credit cards or cash and to have sufficient moneys on the premises to accommodate a reasonable monetary transaction

(2) The bill would also prohibit the owner or person in lawful possession of private property which is held open to the public for parking at no fee, as specified, from towing or removing a vehicle within one hour of the vehicle being parked, except when the vehicle is parked in specified locations

(3) A violation of the provisions of the bill would be an infraction pursuant to other sections of existing law, thereby imposing a state-mandated local program

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1336 (SB 1075) Ellis Medi-Cal long-term health care facilities

Existing law provides for the Medi-Cal program, under which basic health care services, including skilled nursing and intermediate care facility services, are provided to eligible low-income persons.

Existing law provides for increases in the reimbursement rates paid by the Medi-Cal program to skilled nursing and intermediate care facilities, not including intermediate care facilities/developmentally disabled-habilitative, to be used for wages and benefits, except under specified circumstances

This bill would, in addition, provide for Medi-Cal rate increases to intermediate care facilities/developmentally disabled-habilitative, as specified, through regulations to be adopted by the State Director of Health Services by October 1, 1985.

This bill would take effect immediately as an urgency statute

Ch 1337 (SB 1077) L Greene California Housing Finance Agency

(1) Existing law requires the California Housing Finance Agency, within 90 days following the close of each fiscal year, to submit an annual report of its activities under the Zenovich-Moscone-Chacon Housing and Home Finance Act for the preceding year to the Governor, the Secretary of the Business and Transportation Agency, the Director of Housing and Community Development, the Treasurer, the Joint Legislative Budget Committee, and the Legislature

This bill would require that the report include additional information evaluating the extent to which the housing programs administered by the agency have attained certain statutory objectives of the agency and would require the report to include specified recommendations

(2) Existing law authorizes the California Housing Finance Agency to issue revenue bonds in an amount not exceeding $2,350,000,000 outstanding at any time, exclusive of indebtedness incurred to refund or renew bonds previously issued by the agency.

This bill would increase the limitation on outstanding bonded indebtedness by $600,000,000 to a total of $2,950,000,000, exclusive of indebtedness incurred to refund or renew bonds previously issued by the agency

The bill would provide for an additional increase of $600,000,000 in that bonding authority if AB 1168 is chaptered prior to this bill

(3) The proceeds of the sale of bonds of the agency are required by existing law to be paid, after allocation of certain expenses, to the California Housing Finance Fund, and that fund is continuously appropriated to the agency This bill, therefore, constitutes an appropriation of that portion of the proceeds of the additional revenue bonds authorized by the bill which would be deposited in the California Housing Finance Fund.

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

Ch 1338 (SB 509) Carpenter Hazardous waste· incineration and treatment.

(1) Existing law requires persons disposing of hazardous waste to follow the regulations adopted by the State Department of Health Services and requires persons disposing of extremely hazardous waste to notify the department and to process the waste, as

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specified.

This bill would require persons disposing of hazardous waste after January 1, 1988, which has a heating value of more than 3,000 British Thermal Units, or disposing of hazardous waste after January 1, 1990, which contains a specified percentage of volatile organic compounds, as determined by the department, to dispose of the waste, by incineration, or by any other means of treatment which is authorized by the department in a hazardous waste facilities permit. The bill would require the department, on or before June 30, 1987, to determine the minimum percentage of volatile organic compounds in hazardous waste subject to these requirements The bill would exempt from this requirement waste for which the department makes a specified determination concerning the state's incineration or treatment capacity, certain hazardous wastes, and hazardous wastes which are the subject of an emergency variance granted by the department, under specified conditions.

The bill would require any operator of a landfill, landfarm, or surface impoundment used for the disposal or treatment of hazardous waste containing volatile organic compounds to submit specified air emission reports semiannually to the department and to comply with specified federal regulations concerning air emissions monitoring

(2) Existing law, until July 1, 1991, 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 The tax revenues are deposited in the Hazardous Substance Account ("California Superfund") for the purpose, generally, of paying for remedial and removal actions taken in response to hazardous substance releases

This bill would require that persons report to the board the total amount of hazardous waste submitted for disposal, or disposed of, which is the solid hazardous waste residue from incineration The bill would alter the formula for the hazardous waste disposal tax by specifying these wastes as a new category for taxation purposes

(3) Existing law authorizes counties to form districts to provide garbage and refuse disposal sites and to grant franchises or privileges for collecting, disposing, or destroying garbage, waste, offal, and debris, as specified. Existing law authorizes cities to contract for the collection or disposal of garbage, waste, refuse, offal, trimmings, or other refuse matter, as specified

This bill would authorize a city or county, or agency or entity established by a joint powers agreement, to contract with one or more business entities, as defined, to plan, finance, construct, and operate an offsite hazardous waste facility to transfer or treat hazardous waste.

This bill would also make a statement of legislative intent concerning incineration disposal techniques for hazardous waste.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by requiring cities, counties, and districts which dispose of specified hazardous waste to do so in a certain manner and by altering the hazardous waste tax on certain producers of hazardous waste, including cities, counties, and districts.

(5) The bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 1339 (SB 925) Seymour Driving offenses

(1) Under existing law, the court is required to sentence, as specified, a person convicted of driving under the influence of an alcoholic beverage, any drug, or both, with an excessive blood-alcohol concentration, or when addicted, and the court may grant probation The Department of Motor Vehicles is also required to suspend or revoke the person's driving privilege If probation is granted, the court is required to

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include specified minimum imprisonment and minimum fines as terms and conditions of probation, and the department is required to impose specified restrictions on, or suspension or revocation of, the person's privilege to drive. The penalties and license sanctions are enhanced if there are convictions of certain other specified offenses committed within 5 years of the offense punished, including a license suspension of one year for a second offender when there is no bodily injury to another arising out of the violation and probation is granted, except as provided

Existing law provides, as one alternative set of terms and conditions of probation for a second offense, that a second offender, with no bodily injury to another, may have his or her license restricted, instead of suspended, if ordered to a specified one-year alcohol or drug treatment program, or both, and, if there is bodily injury to another, one alternative for an offender is to have the license suspended and then restricted, instead of revoked, if ordered to complete such a program or programs. The court is also required to impose on third and subsequent offenders, who are granted probation and who have not previously successfully completed a treatment program for second offenders, a condition of probation that they complete the program. Existing law also requires the State Department of Health Services to require that each alcohol or drug treatment program make provision for persons who cannot afford the fees in order to enable these persons to participate

This bill would increase the period of license suspension for a second offender, with no bodily injury to another, from one year to 18 months, except as provided.

The bill would also prohibit the department from reinstating or reissuing a license suspended or revoked as a result of a conviction of a 3rd or subsequent offense unless the person gives the department proof, satisfactory to the department, that the person has successfully completed the specified treatment program

The bill would require the court to give the offender specified advice, would also allow the person to petition the court at any time after sentencing for referral to the program, and would require the court to order the referral unless good cause is shown. The bill would expressly require the alcohol or drug education program, to which second and third offenders with no bodily injury to another are referred, to provide for persons who cannot afford the program fee, as specified

(2) Existing law requires that a first offender, with no bodily injury to another, who is granted probation in a county where the board of supervisors has approved an alcohol or drug education program, participate in one or both of those programs and furnish proof of enrollment within 60 days of the court order and completion within 120 days, both times excluding time of imprisonment, with probation to be revoked, as specified, for failure to comply

This bill would, instead, require such a first offender granted probation in such a county to furnish proof to the court of his or her enrollment in, and completion of, an alcohol or drug education program, when granted probation on conditions requiring completion of such a program, within the periods established by the court, after consultation with the county alcohol program administrator

The bill would provide an exception from the requirement for a person to furnish proof of enrollment or successful completion to the court for any person who attends a program that is required to report to the court the failure of a person to enroll or successfully complete the program.

The bill would impose a state-mandated local program by requiring an alcohol or drug education program to report to the court any person who fails to successfully complete the program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1340 (SB 929) Royce. Public employees' health and dental benefits. state employees

The Public Employees' Medical and Hospital Care Act provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of PERS. A provision of that act, which was

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enacted by Chapter 1320 of the Statutes of 1984, prescribes eligibility requirements for intermittent state employees

This bill would specify that that provision only applies to permanent intermittent state employees and would express legislative intent regarding the inadvertent omission from that provision of the term "permanent."

Existing provisions of law, which would become inoperative on July 1, 1985, and would be repealed as of January 1, 1986, provide that any permanent intermittent state employee enrolled in a health benefits plan or a dental care plan who would lose these benefits due to a reduction in working hours shall be entitled to have the employee's coverage and the coverage of any family members continued for up to one year upon assuming payment of the contributions otherwise required of the employer on account of the enrollment

This bill would extend the inoperative and repeal dates from, respectively, July 1, 1985, and January 1, 1986, to, respectively, July 1, 1987, and January 1, 1988, and would provide for that continuation of coverage until July 31, 1987, rather than for up to one year.

This bill would take effect immediately as an urgency statute.

Ch. 1341 (SB 932) Rosenthal. Juvenile court law

Existing law requires a juvenile court to receive evidence on the question of the proper disposition to be made of a minor in a dependency proceeding. The court is required to receive in evidence the social study of the minor made by the probation officer.

This bill would specifically require the receipt in evidence of any study or evaluation of the minor, as specified, made by a child advocate appointed by the court, as specified It also would require the court in its judgment and order of disposition to specifically state that the study or evaluation by the child advocate has been read and considered by the court.

The bill also would specify the qualifications and responsibilities of such a child advocate

The bill also would make related changes.

Ch. 1342 (SB 946) Vuich Open-space lands· agricultural land. contract cancellation fees.

(1) Existing law requires the Department of Conservation to collect or acquire information on the amount of land converted to or from agricultural use during the preceding year and to prepare, update, and maintain Important Farmland Series maps, as defined.

This bill would permit the Department of Conservation to prepare Interim Farmland maps, as defined, to supplement the Important Farmland Series maps.

(2) 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 is required, with certain exceptions, to pay a fee for the cancellation of that contract which constitutes a specified percentage of the cancellation valuation of the property, requires that fee to be paid to the county treasurer as deferred taxes, and requires the county treasurer to transmit those deferred taxes to the Controller for deposit in the General Fund.

This bill would require $148,000 of those deferred taxes to be deposited, upon appropriation by the Legislature, in the existing Farmlands Mapping Account and utilized by the Department of Conservation to prepare Interim Farmland maps

This bill would require the Department of Conservation to report specified data to the Legislature on or before May 15 each year, commencing May 15, 1987, if the Legislative Analyst determines that sufficient funds are appropriated in the annual Budget Act to make that report

Ch. 1343 (SB 427) Beverly Sales tax: direct payment permits.

Under the existing Sales and Use Tax Law, it is generally presumed that all gross receipts from sales are subject to the sales tax in order to prevent sales tax evasion

This bill would authorize the State Board of Equalization to establish a procedure for the issuance of direct sales permits, as specified, so that certain consumers with those permits pay the retailer's sales tax liability directly to the board.

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This bill would incorporate the amendments to Section 6592 of the Revenue and Taxation Code proposed by SB 842, if both bills are chaptered and this bill is chaptered last

Ch 1344 (SB 407) Ellis State officers and employees: electronic fund transfers

Existing provisions of law authorize the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit by electronic fund transfer of state retirement system benefits of beneficiaries, and of salaries and wages of state officers and employees.

This bill, the provisions of which would become operative on January 1, 1987, would require, instead of authorize, the Controller to perform these actions.

Ch. 1345 (SB 406) Seymour Driver's licenses.

(1) Existing law requires the Department of Motor Vehicles to establish 2 certifications required to operate specified motor vehicles carrying hazardous materials, including hazardous waste, and combinations of vehicles with any tank configuration transporting bulk liquid loads. Existing law requires that abstracts of convictions of specified offenses, and abstracts of records of specified other dispositions of offenses related to the safe operation of vehicles, that are transmitted to the Department of Motor Vehicles, to state whether the vehicle involved in the offense was transporting hazardous materials subject to prescribed placard requirements.

This bill would require the abstracts to state instead whether the driver was required to have either of these certificates and whether the driver had the required certificates, thereby imposing a state-mandated local program.

(2) Existing law prohibits any person from operating combinations of vehicles transporting bulk liquid loads unless the person possesses both a specified certificate and a class 1 license.

This bill would instead prohibit any person from operating combinations of vehicles which are required to be operated by a class 1 driver and which are transporting bulk liquid loads unless the person possesses this certificate

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by requiring that abstracts of conviction contain specified information and by creating a new crime concerning the transportation of bulk liquids

This bill would provide that no reimbursement is required for a specified reason.

Ch 1346 (SB 380) Maddy. California Health Facilities Financing Authority.

(1) Existing law authorizes the California Health Facilities Financing Authority to, among other things, make secured or unsecured loans to any participating health institution in connection with financing a project, as defined, or refinancing indebtedness incurred by a participating health institution

This bill would, in addition, permit the authority to purchase the secured or unsecured loans of any participating health institution in connection with the financing of working capital, as defined, or refinancing indebtedness in connection with working capital

(2) Existing law also authorizes the authority to enter into any agreement or contract necessary, convenient, or desirable for the purposes of the authority to carry out the responsibilities of the authority under the California Health Facilities Financing Authority Act

This bill would additionally permit the authority to enter into agreements for liquidity and credit enhancement

(3) Existing law does not authorize the authority to issue revenue bonds to finance working capital for a participating health institution provided or operated by a city, city and county, county, or hospital district.

This bill would authorize the authority to issue bonds for that purpose.

(4) Existing law limits the total amount of revenue bonds that may be outstanding at any one time under the act to $3,374,000,000, but excepts from the first $767,000,000

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of that amount, the amount of bonds issued to finance a county health facility, an adult day health center, or a multilevel facility, as defined

This bill would provide that revenue bonds issued for any of the above purposes shall not be included in the total amount of $3,374,000,000 that may be outstanding at any one time and would also include the total amount of bonds issued to finance a project or working capital for a city, county, or city and county, or district hospital within that exception

(5) The proceeds of the sale of bonds of the authority are required by existing law to be paid to the California Health Facilities Financing Authority Fund and that fund is continuously appropriated to the authority This bill would make an appropriation by expanding the purposes for which those bond proceeds may be expended

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

Ch. 1347 (SB 375) Carpenter. Community colleges: capital outlay.

A community college district applying for assistance under the Community College Construction Act of 1980 is currently required to provide a matching share of funds, determined according to a specified formula.

This bill would repeal the provisions establishing that formula, and, instead, require the board of governors to adopt criteria for determining districts' matching shares of the cost of capital outlay projects and would require the chancellor to recommend each district's match, which would be required to be reviewed by the board in forwarding its budget request to the Department of Finance for determination by the Legislature.

Existing law requires the chancellor to review and evaluate each proposed project and specifies the elements to be included in the review Among them is a determination of the total cost of the project, reducing that total by the amount of federal funds available, and determining the remainder to be borne by the state, or if the district has matching funds, by the state and district Provision is made for determining whether the district has matching funds

This bill would provide that private funds available for specific projects may be used as a credit toward the district match

This bill would state various legislative findings and declarations relative to the capital outlay needs of community college districts This bill would state the intent of the Legislature to provide state assistance for priority community college capital outlay projects to the extent that nonstate funds cannot be secured.

Ch. 1348 (SB 358) Carpenter Structural pest control.

Existing law provides that, for purposes of the Structural Pest Control Act, any person, who is otherwise qualified, may be licensed to practice structural pest control and specifies the operations which may be performed by a structural pest control operator. The law also specifies that, for those purposes, a person includes an individual, firm, partnership, association, or other organization

This bill would provide that only an individual may be licensed as a structural pest control operator and provides for the registration of a sole proprietorship, partnership, corporation, or other organization as a "registered company" for the purpose of practicing structural pest control The bill would provide that the operations which may be presently performed by a structural pest control operator may be performed by a registered company and would delete the authority for the operator to perform those functions

The bill would make it unlawful, on and after January 1, 1987, for any firm, partnership, corporation, or association to engage in the practice of structural pest control unless registered, as specified, and would prohibit the bringing of an action in any court by those entities unless they are registered

The bill would require each registered company to designate a licensed operator to act as its qualifying manager and who is to be responsible for the structural pest control operation of the company and would also require each branch office to have a licensee as a designated supervisor

The bill would increase the fees for an operator's license, a field representative's license, and for registration of a branch office, and would establish a fee for registration of a company, for approval of continuing education providers and courses

Existing law requires a licensed structural pest control operator to maintain a bond

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in the amount of $2,000.

This bill would increase the amount of the bond to $4,000

This bill would, in addition, (1) delete a provision which authorizes the Structural Pest Control Board to adopt regulations permitting the limited use of ethylene dibromide to other than branch 1 licenses; (2) delete a provision which prohibits the board from disseminating any information concerning the revocation or suspension of a license until the revocation or suspension has been adjudicated by the court or the time for appeal has expired; (3) delete a provision relating to licensees who enter the armed forces; (4) require the board to issue a field representative's license to a qualified applicant within one year after the applicant passes the examination; (5) delete certain provisions relating to inactive licensees; (6) make conforming changes, and (7) specify that certain provisions of the bill shall become operative on January 1, 1986, and others shall become operative on January 1, 1987.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Structural Pest Control Fund Because this would increase the amount of moneys in the fund, it would constitute an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1349 (SB 1237) Vuich. Industrial loan companies.

Existing law, until July 1, 1990, 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 Thrift Guaranty Corporation, unless its outstanding thrift obligations are insured or guaranteed by an instrumentality of the United States government, or by a private insurer, surety, or guarantee company, as a condition of that company's authority to conduct business, as specified

This bill would, until July 1, 1990, with respect to those companies currently conducting business, maintain those requirements in order to continue in business It would, however, require each industrial loan company to continue to participate as a member or special member in Thrift Guaranty Corporation until it has paid specified assessments. The bill would provide that directors, officers, employees, and agents of Thrift Guaranty Corporation are only subject to liability for acts of fraud, willful misconduct, and reckless or criminal acts arising out of, or in connection with, the performance of their duties on behalf of the corporation. The board of directors would be required to report to the Commissioner of Corporations annually regarding liability insurance coverage, as specified.

The bill would provide for the discharge of the insurance function by a successor to Thrift Guaranty Corporation in the event conditions of membership in the Federal Deposit Insurance Corporation are changed prior to July 1, 1990, so as to prohibit an industrial loan company's membership because of the company's holding company status, as specified

The bill would take effect immediately as an urgency statute

Ch. 1350 (SB 1199) Craven. Service authority for freeway emergencies: motor vehicle registration fees. increase.

(1) Under existing law, the Department of Transportation has full possession and control of all state highways in the California Freeway and Expressway System.

This bill would authorize the board of supervisors of a county and a majority of the cities within the county having a majority of the population to establish a service authority for freeway emergencies with 7 members An established authority would be authorized to impose additional fees, not to exceed $1 per year, on vehicles registered within the county, as prescribed

(2) Under existing law, registration fees on motor vehicles may be used for, among other things, street and highway purposes.

This bill would require the payment of an additional registration fee imposed by an authority for motor vehicles in subject counties, except those exempted under law, and would require those fees to be distributed to the appropriate authority after deduction

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of administrative costs by the Department of Motor Vehicles. The bill would authorize an authority to use the fees for the implementation of an emergency motorist aid system, as specified, on portions of the California Freeway and Expressway System in the county. The bill would authorize an authority to issue revenue bonds for the purposes of the bill and to pledge fees as revenues, as specified. The bill would authorize the Department of Transportation and require the Department of the California Highway Patrol to enter into contracts for the construction, operation, and maintenance of the aid system with any established authority, as specified The authority would be required to reimburse both departments for all costs incurred under the bill

Ch. 1351 (SB 1255) L. Greene. Community redevelopment

Under the existing Community Redevelopment Law, redevelopment agencies are authorized to make or purchase mortgage or construction loans for financing residential construction.

Existing law requires those mortage loans to be insured or guaranteed, in whole or in part, by any instrumentality of the United States, the State of California, or any person licensed to insure mortgages in this state.

This bill would specify that the requirement that those loans be insured only applies to mortgage loans made from the proceeds of bonds issued on or before October 1, 1983. The bill would permit mortgage loans made after that date to be insured or guaranteed, in whole or in part.

Ch 1352 (SB 155) Petris. Mental health.

Existing law requires the State Department of Mental Health to set rates of payment by the state to private residential care facilities for the mentally disabled caring for mentally disordered persons. The department is required to adopt regulations regarding setting of those rates and adopting eligibility criteria for these private facilities by July 1, 1980 Existing law also requires the department to propose the rates to the Legislature by March 1 to be operative by July 1 of each year subject to the appropriation of sufficient funds for that purpose in the Budget Act.

This bill would require regulations to be adopted by October 1, 1985, to establish eligibility criteria for these private residential care facilities and delete the condition that the rates shall be operative subject to the appropriation of sufficient funds The bill would delete an obsolete reference to cost-of-living adjustments in the rates.

This bill would also require the department, in recommending funds to be appropriated for these private facilities, to include actual caseload numbers, caseload estimates, and separate county and state administrative costs to be separately identified from the rates.

This bill would require the department by July 1, 1987, to establish a standardized assessment tool and client monitoring system for use by counties in determining the functional ability and programmatic needs of mentally disordered clients.

This bill would in addition require county and state administrative costs to be separately identified from the rates established by the department for the private facilities.

Under existing law, the rate of payment to any private residential care facilities for the mentally disabled cannot exceed the average amount charged to private clients residing in the same facility. The monthly rate of payment to any such facility cannot exceed the average monthly cost of services for all persons with mental disabilities who reside in state hospitals.

This bill would delete this provision and require, instead, that the rates established for these facilities be equal to the rates established by the State Department of Developmental Services for equivalent categories on July 1, 1985, of regional center clients in private residential care facilities, until the time the department establishes the standardized assessment tool as specified. However, the rates cannot be less than the rates paid for equivalent categories of regional center clients which were in effect on July 1, 1985.

Under existing law, each county is required to apply for the adjusted rates established by the department for private residential care facilities for the mentally disabled as part of its Short-Doyle plan Under its Short-Doyle plan, the county is required to provide 10% matching share, which is subsequently reimbursed by the state through the claims process.

This bill would require each county to apply for these adjusted rates and county administrative costs as part of its Short-Doyle plan The bill would also provide that no

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county matching funds, including local financial participation for administrative costs, are required for the 1985–86 and 1986–87 fiscal years

This bill would take effect immediately as an urgency statute

Ch 1353 (SB 1338) Vuich Safe drinking water grants

Existing law (The California Safe Drinking Water Bond Law of 1984) permits bond proceeds in the California Safe Drinking Water Fund to be used for a grant program, with grants provided, subject to specific approval of the Legislature, to water suppliers that are political subdivisions of the state, that are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law.

This bill would authorize grants not to exceed $400,000 each from the California Safe Drinking Water Fund to specified entities for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with the bond law.

The bill would take effect immediately as an urgency statute.

Ch. 1354 (SB 1161) Royce. Medi-Cal

Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons Under existing law, the Joint Legislative Audit Committee is required to conduct an audit of one or more county eligibility departments and report to the Legislature on the results and recommendations for achieving state control of eligibility determination.

This bill would renumber that section in the Welfare and Institutions Code.

Under existing law, a medically indigent adult is not eligible for medical assistance under the Medi-Cal program, unless the person is confined in a skilled nursing home or intermediate care facility or is a pregnant woman of any age with a confirmed pregnancy

This bill would repeal existing law and would instead provide for the eligibility of a state-only Medi-Cal person, defined as a person who resides in a skilled nursing facility or an intermediate care facility or who receives in-home supportive services, and meets certain other requirements

Under existing law, a refugee receiving public assistance is eligible for medical assistance, to the extent provided under federal law

This bill would specify the rules for determining the eligibility for medical assistance of a person eligible under the Cuban-Haitian Entrant Program or the Refugee Resettlement Program

Existing law provides that the State Department of Health Services shall utilize the earnings clearance system to verify the eligibility of medically needy or medically indigent persons

This bill would specify that this system shall only be used where determined to be cost effective

Existing law permits the department, on a regional pilot project basis, to issue an identification card to a person eligible for Medi-Cal benefits.

This bill would require the department to issue a Medi-Cal card containing specified information to every person eligible for Medi-Cal benefits

Existing law requires a recipient of health care who is discharged from a hospital, who meets the eligibility requirements for public assistance, and who otherwise has insufficient income to maintain himself or herself, to be granted aid immediately, or to have his or her aid restored immediately, if he or she formerly received assistance.

This bill would repeal that provision.

This bill would also make numerous technical and conforming changes.

Ch. 1355 (SB 1185) Vuich Real property

(1) Existing law provides that specified fees are to accompany an application which is submitted to the Department of Real Estate for a permit to sell real property securities secured by liens on real property situated outside this state.

This bill would increase those fees Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Real Estate Fund. Because this bill would increase the amount of moneys in that fund, it would constitute an appropriation.

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(2) Existing law requires every person selling a real property security to sign and deliver to the purchaser a written statement containing specified information

This bill would revise the content of the required disclosures.

(3) Existing law provides that any person injured as a result of a violation of provisions regulating real property securities dealers may recover damages in a civil action against the dealer and recover damages plus interest at the rate of 7% per annum.

This bill would delete the 7% limitation on the interest.

(4) Existing law requires every real estate broker who solicits or negotiates loans in connection with loans secured directly or collaterally by a lien on real property to deliver to the borrower a statement in writing containing specified information

This bill would make other existing provisions pertaining to certain lending transactions in which real estate brokers are involved, applicable only to loans secured by a dwelling, as defined

(5) Existing law limits to 45 days the maximum term of an exclusive agreement authorizing or employing a real estate licensee to negotiate specified loans of $2,000 or less secured directly or collaterally by a lien on real property.

This bill would delete the $2,000 limitation. However, the applicability of the above limitation would not, because of provisions of existing law, include loans of $20,000 or more secured by a first trust deed or loans of $10,000 secured by junior liens.

(6) The bill would make other technical, related changes

Ch. 1356 (SB 1191) Seymour. State employees· retirement.

This bill would require the Board of Administration of the Public Employees' Retirement System to annually submit, as specified, to the Governor and the Legislature a report on the fiscal year incidence of service and disability retirements with respect to each state department and contracting agency and to annually transmit to each state department a similar report with respect to that particular department, with copies being transmitted to the Governor and the Legislature

Ch 1357 (SB 499) Davis. Fish and game enforcement.

This bill would appropriate $310,000 and $135,000 from the General Fund and $175,000 from the Fish and Game Preservation Fund, to the Department of Fish and Game to provide for a roving special investigative unit composed of specified personnel positions and to provide for costs of equipment for the unit.

The bill would require the department to establish not less than 2 permanent roving units, composed as specified, and would state legislative intent regarding utilization of the roving units, that the program be permanent with annual funding, and that the program be administered by the Wildlife Protection Branch in the department, as specified.

Ch. 1358 (SB 476) Morgan. Family law. support

Existing law authorizes a court, in any judgment decreeing the dissolution of a marriage or a legal separation of the parties, to order a party to pay for the support of the other party any amount, and for any period of time, as the court may deem just and reasonable. Further, in any proceeding where the support of a minor child is at issue, the court may order either or both parents to pay any amount necessary for the support, maintenance, and education of the child. Orders combining child support and spousal support without designating the amount to be paid for each are known as orders for family support

This bill would authorize either of the parties in cases where child, family, or spousal support has been ordered to be paid to serve a request for the production of a completed current income and expense declaration, as specified, on the other party, without leave of court In the absence of a pending motion for modification of support, any such request could be made only once a year The bill would require the Judicial Council to adopt forms for the use of this procedure

Existing law specifies that orders for the modification or revocation of child or spousal support may be made retroactive to the date of the filing of the notice of motion or order to show cause to modify or revoke, as specified.

This bill would provide that all orders for child or spousal support may be made retroactive, as specified.

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Existing law specifies that it is the duty of the father, the mother, and the children of any person in need who is unable to maintain himself or herself by work, to maintain that person to the extent of their ability.

This bill would authorize the court in a proceeding where the support of a child for whom support is authorized under the above provision is at issue to order either or both parents to pay any amount necessary for his or her support, maintenance, and education It also would specify that when the court orders a person to make payments for the support of such a child until the child's death or the occurrence of a specified event as to that child, the liability of the person so ordered terminates upon that contingency

Ch. 1359 (SB 459) Deddeh. Public retirement systems

Chapter 220 of the Statutes of 1984 defined various terms for the purposes of SCA 36 of the 1983–84 Regular Session and provided that it would become operative only if and when SCA 36 is approved by the electors

This bill would revise that chapter to make it applicable, instead, to SCA 5 of the 1985–86 Regular Session

Various provisions of the Legislators' Retirement Law and the Judges' Retirement Law authorize certain active and inactive members of the Judges' Retirement System who previously served as a Member of the Senate or the Assembly or as an elected state constitutional officer, as defined, to make specified contributions with interest for, and receive credit in the Judges' Retirement System for, all or any part of the time served in the Legislature or the elective state constitutional office.

This bill would make those provisions inapplicable to a person who, on or after January 1, 1986, first becomes or continues as a Member of the Senate or Assembly or an elected state constitutional officer, as specified, in a term which commences on or after January 1, 1986, and would express a related legislative declaration

Ch 1360 (SB 205) Mello. Medical assistance program

Under existing law, inpatient intensive rehabilitation hospital services in a general acute care hospital are a covered benefit for recipients of the Medi-Cal program who meet specified criteria

This bill would provide that outpatient rehabilitation services, as defined, are also covered under the Medi-Cal program, subject to utilization controls These services could be delivered by specified types of providers

The bill would define rehabilitation services for purposes of both inpatient and outpatient rehabilitation services

Ch 1361 (AB 27) W Brown. Vehicles. mandatory seatbelt use.

(1) Existing law does not require seatbelts to be worn by drivers and passengers in motor vehicles, although children under 4 years of age or 40 pounds in weight are required to be secured by a restraint system meeting prescribed federal standards or by seatbelts, as specified.

This bill would, with specified exceptions, prohibit a driver of a passenger vehicle, except a motorcycle, or motortruck under 6,001 pounds unladen weight from operating the vehicle, unless the driver and all passengers over the age of 4 years are restrained by a safety belt. The bill would prohibit passengers over 16 years of age from riding in such a vehicle without being so restrained by a safety belt The bill would specify the effect of a violation of those provisions in a civil action, would provide that violations of the prohibition would not be given a negligent driver point count for specified purposes, and would require the owner to maintain the safety belts in good working order. The bill would specify the requirements for those safety belts. The bill would also prohibit a peace officer from stopping, seizing, or issuing a citation for those violations if no other cause to stop or seize the violator exists Since violation of the above provisions would be an infraction, punishable by a maximum fine or court-ordered schooling, as prescribed, the bill would impose a state-mandated local program.

The above provisions would become inoperative if the United States Secretary of Transportation determines to rescind specified federal safety standards relating to automatic restraints, except as specified

The bill would, if the United States Secretary of Transportation fails to promulgate safety standards for manual safety belt systems by September 1, 1987, prohibit the

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registration of any such vehicle manufactured after that date for sale or sold in this state unless it contains a manual safety belt system which meets specified federal performance standards in effect on January 1, 1985, promulgated by the secretary. The bill would require each such vehicle offered for original sale in this state which has been manufactured on or after September 1, 1989, to comply with specified federal automatic restraint requirements. The bill would require a manufacturer to comply with these equipment requirements by self-certification, as specified

The bill would make legislative findings and declarations

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1362 (AB 929) Allen. Child day care facilities.

Existing law imposes various requirements regarding the licensing of child day care facilities.

The bill would, among other things, do the following:

(1) Subject an insurer to administrative sanctions for canceling or refusing to renew a homeowner's insurance policy solely on the basis that the policyholder operates a licensed family day care facility.

(2) Specify minimum liability coverage limits for licensed family day care providers.

(3) Require the filing of annual reports by insurers writing specified types of liability coverage.

(4) Require the Insurance Commissioner to perform specified duties

The bill would also state legislative intent.

This bill would take effect immediately as an urgency statute.

Ch. 1363 (SB 1064) Seymour Insurance.

Existing law requires family day care homes for children to maintain liability insurance covering injury to clients or guests in the amount of $300,000 for each injury or death, or a bond in the amount of $300,000

This bill would change the monetary requirements for the insurance to $100,000 per occurrence, and $300,000 aggregate.

The bill would take effect immediately as an urgency statute.

Ch 1364 (AB 55) W Brown. Child care and development programs [8]

Under existing law, state and federally subsidized child care and development services are allocated to eligible families according to a specified system of priorities.

This bill would state the intent of the Legislature regarding the expansion of specified child care and development programs, would make a revision in the plan of the Superintendent of Public Instruction regarding the adjustment of reimbursement rates for child development programs, and would add respite child care and development to the definition of child care and development programs

Existing law provides that infants whose parent or parents are high school students may attend infant care and development centers while their parents attend high school.

This bill would permit the Superintendent of Public Instruction to enter into agreements with school districts to permit infants whose parents are students in grades 7 and 8 to attend those centers.

This bill would appropriate $30,000,000 from the General Fund to the Superintendent of Public Instruction for child care and development services under specified conditions.

This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984.

This bill would take effect immediately as an urgency statute

Ch. 1365 (AB 2357) Areias. State gemstone.

Existing law designates native gold as the official state mineral and serpentine as the

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official state rock, but does not designate an official state gemstone
This bill would designate benitoite as the official state gemstone

Ch 1366 (AB 2246) Costa Hazardous waste: surface impoundments
Existing law prohibits any person, unless exempted as prescribed, from discharging any restricted hazardous waste into a surface impoundment after January 1, 1986
This bill would permit a regional water quality control board to grant an exemption from the prohibition on the discharge of any restricted hazardous waste for a surface impoundment into which restricted hazardous wastes which do not contain cyanide wastes or polychlorinated biphenyls in specified concentrations are discharged for the purpose of onsite temporary storage and treatment, as defined, upon submission of an application in accordance with prescribed requirements and upon specified findings by the regional water quality control board The exemption would be available only for surface impoundments used for the temporary storage and treatment of boiler cleaning wastes at public utility fossil-fueled powerplants used to generate electricity for sale to the public. Any surface impoundments located within ½ mile up gradient of a potential drinking source would not be exempted from specified requirements, and any surface impoundment not located within ½ mile up gradient of a potential drinking water source would be required to be equipped, as specified The bill would require the application to be accompanied by a fee, as specified in a fee schedule adopted by the State Water Resources Control Board. The bill would make related changes

Ch. 1367 (AB 2237) Bradley. Taxation.
Under existing law, any person filing an affidavit of interest may apply to the county tax collector to have any parcel separately valued on the current roll for the purpose of paying taxes on the property. Existing law also permits any person filing an affidavit of interest to apply to the county tax collector to have any tax sold or deeded parcel separately valued in order that it may be redeemed
This bill would permit the tax collector to charge an application fee for either of these services, upon authorization by ordinance by the board of supervisors
Under existing law, any person may elect to pay delinquent property taxes in installments under specified conditions
This bill would permit counties to charge a fee to process a request to pay taxes in installments, upon authorization by ordinance by the board of supervisors.
This bill would make additional changes in Section 4217 of the Revenue and Taxation Code proposed by AB 634, to be operative if both bills are chaptered and this bill is chaptered last.

Ch. 1368 (SB 1357) Torres. Creditor's remedies
(1) Existing law, with specified exceptions, makes every transfer or lien on personal property made by the person in possession or control of the property fraudulent and void as against (1) creditors of that person, (2) persons to whom the tranferor's estate devolves in trust for the benefit of persons other than the transferor, and (3) purchasers and encumbrancers in good faith subsequent to the transfer, unless the transaction is accompanied by an immediate change of possession of the property, as specified
This bill would substantially revise these provisions The bill would delete application of the above provisions to liens and would remove references to fraud in the existing law. The bill would delete application of the above provisions to personal property that is controlled but not possessed by the person transferring the property or lien interest. The bill would specifically make the protections of these provisions applicable to both secured and unsecured creditors. The bill would define "creditor," and would specify that only those creditors who become such prior to the transfer and those becoming creditors prior to an actual change of possession of the property may avoid transfers under the bill. The bill would specify that purchasers protected by the above law are those for value, and would delete application to encumbrancers, who would be treated as creditors
The bill would substantially revise the exceptions to the above provisions on void transfers Among other things, the bill would specify a revised notice procedure for avoiding the transfer restrictions, which would protect a transfer as against all persons except a "buyer in the ordinary course of business," as defined. The bill would also

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exempt property not located in the state, as specified, and sale of security interests The bill would exempt transfers of personal property for which a statute of this state or a statute or treaty of the United States requires prescribed titling

The bill would require the filing of a financing statement, as specified, with the Secretary of State

The bill would establish a one-year time limitation for bringing an action or levying under the above provisions. The year would commence upon the earliest of actual discovery of the transfer, the date discovery should have been made in the exercise of reasonable diligence, the date a continuing change of possession of the property occurs, or the date of the completion of filing and publication requirements for a notice of intended transfer, if the filing has not lapsed

The bill would also exempt specified leaseback transactions from provisions on bulk transfers.

(2) SB 1305 would amend Section 9501 of the Commercial Code to substantially revise the rights and remedies of creditors owning obligations secured by both real and personal property. Among other things, SB 1305 would specify, with certain exceptions, that provisions and limitations in any law respecting real property and obligations secured thereby do not apply to (a) the rights or remedies of a creditor proceeding against personal property or fixtures as to which a secured party is or has proceeded under the Commercial Code or (b) the obligation secured by the personal property or fixtures.

This bill would amend Section 9501 of the Commercial Code, as amended by SB 1305, if SB 1305 is enacted and effective January 1, 1986, and this bill is enacted last, to specify that these changes proposed by SB 1305 would neither supersede a prohibition in existing law against deficiency judgments following the exercise of a power of sale in a deed of trust or mortgage nor apply to a loan or credit sale made to an individual primarily for personal, family, or household purposes.

Ch. 1369 (AB 2484) Moore Public Utilities Commission: proceedings and carriers

(1) Under existing law, the Public Utilities Commission, in any proceeding involving an electrical, gas, water, railroad, or telephone corporation, assigns an administrative law judge to preside over the hearings either alone or assisting the commissioner or commissioners who will hear the case. The administrative law judge is required to prepare and file an opinion which becomes part of the record and constitutes the proposed decision The commission, in issuing its decision, adopts, modifies, or sets aside all or any part of this proposed decision, and every finding, opinion, or order contained in the proposed decision and approved or confirmed by the commission is deemed to be the finding, opinion, or order of the commission Existing law also permits the commission to specify that no opinion need be prepared by the administrative law judge in a proceeding involving an electrical, gas, telephone, railroad, or water corporation initiated by ratepayer or subscriber complaint

This bill would make these provisions applicable also to highway carriers.

(2) Under existing law, common carriers are subject to regulation by the commission

This bill would authorize the commission to establish a uniform annual fee for charter-party carriers of passengers.

The bill would authorize the commission to establish a charge for the transportation of property by a common carrier which does not have on file with the commission a schedule of rates, fares, charges, and classifications, and would require the common carrier, other than a railroad corporation, to collect undercharges whenever the commission finds that the carrier has charged, collected, or received a lesser compensation than that established charge. The commission would be authorized to impose fines equal to those undercharges

The bill would authorize the commission to suspend, or, upon notice, to revoke, alter, or amend, a passenger stage corporation certificate of public convenience and necessity or, alternatively, to impose a specified fine A passenger stage corporation would be prohibited from operating any motor vehicle on a public highway unless an identifying symbol is displayed, as specified, and a violation of this prohibition would be a crime.

The bill would require each application to acquire or control a highway common carrier or a cement carrier to be accompanied by a specified fee

The bill would specify that the lapse and termination of operating permits for highway contract carriers, dump truck carriers, and household goods carriers for nonexercise for

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a one-year period includes all periods of suspension

The bill would increase application or filing fees for certain certificates or permits from the commission to passenger stage corporations and charter-party carriers of passengers.

(3) The bill would appropriate $55,000 from the Transportation Rate Fund to the commission for the purpose of implementing the changes made pursuant to (1), above.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1370 (AB 1736) Vicencia. Emergency Housing and Assistance Fund

(1) Under existing law, the Legislature has created and continuously appropriated the Emergency Housing and Assistance Fund to provide allocations to agencies of local government or nonprofit organizations which provide shelter to persons on an emergency or temporary basis. The Department of Housing and Community Development is required to adopt guidelines to govern distribution of the funds, and recipients thereof may not spend more than 2% of their allocation for administrative costs.

This bill would permit recipients of funds to either provide emergency or temporary shelter for homeless persons directly or to contract with recognized community organizations to provide this shelter. The bill would also provide that the total amount of funds allocated to eligible recipients within each county shall be based upon a formula which takes into account the relative number of persons in poverty and, if feasible, the relative number of homeless persons within each county as compared to the state as a whole. The bill would permit the department to continue to use the distribution formula in effect on the effective date of the bill until the information to put the new formula in effect is available. The bill would permit eligible recipients of grant funds to use 5% of those funds, rather than 2%, for administrative costs and would permit an eligible recipient to utilize grant funds to cover a specified percentage of operating expenses. The bill would require the department to adopt regulations establishing the types of expenses included within the meaning of operating and administrative expenses.

(2) By altering the manner in which allocations from a continuously appropriated fund may be used, this bill makes an appropriation

(3) The bill would incorporate changes in Section 50802 of the Health and Safety Code proposed by SB 549, but only if this bill and SB 549 are both chaptered and become effective and this bill is chaptered last.

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

Ch. 1371 (AB 1777) Areias. Pupil health

Existing law does not require the State Department of Education to appoint a task force to study infectious diseases in school age children.

This bill would require the State Department of Education to appoint a task force to study infectious diseases in school age children, and make a report, as specified

The bill would reappropriate $30,000 from the amount appropriated by Item 6100-001-001 of the Budget Act of 1985 for specified costs during the 1985–86 fiscal year.

The bill would take effect immediately as an urgency statute

Ch 1372 (AB 1676) Wyman Community care facilities

Under existing law, any person who violates any provision of the California Community Care Facilities Act is guilty of a misdemeanor and may be fined not to exceed $1,000 or imprisoned not to exceed 180 days, or both. Existing law also permits the State Department of Social Services to levy a civil penalty not to exceed $50 per day for noncompliance by a community care facility with applicable statutes and regulations

This bill would provide for increased civil penalties for community care facility licensees who have repeated or continuing violations and if SB 185 is chaptered and becomes effective on or before January 1, 1986, residential care facilities for the elderly would be subject to the same civil penalties.

The bill would permit the State Department of Social Services to retain 50% of each

penalty assessed from all violations in order to establish an emergency resident relocation fund to be utilized for the relocation and care of residents, as specified, when appropriated by the Legislature.

Ch. 1373 (SB 969) Robbins. Public liability.

Existing law provides that a public entity is not liable for punitive damages and, although generally liable for a judgment against a public employee, is not authorized to pay that part of a judgment or claim that is for punitive damages.

This bill would provide that a public entity other than the state is authorized to pay that part of a judgment that is for punitive damages if the governing body makes specified findings. The bill would also prohibit the discovery of, or introduction of evidence of, the assets of a public entity in an action for punitive damages against a public employee and would prohibit the disclosure of the possibility that a public entity may pay that part of a judgment that is for punitive damages.

Ch. 1374 (AB 2542) Hannigan. Court reporters. compensation

(1) Existing law provides that the fee for reporting testimony and proceedings in contested trial court cases is $55 per day, or fractional part thereof, with specified exceptions. In Yuba and Sutter Counties, the fee for reporting testimony and proceedings in contested trial court cases is $75 per day, or any fractional part thereof.

This bill would provide that the fee for reporting testimony and proceedings in contested trial court cases in Solano County is $90 per day, or $55 per half day or any fractional part thereof; and would authorize the board of supervisors to prescribe higher fees for superior court reporters.

The bill would also provide that the fee for reporting testimony and proceedings in contested trial court cases in Yuba and Sutter Counties is $90 per day or any fractional part thereof.

(2) Existing law provides for the duties and compensation of court reporters in the various counties.

This bill would specify the duties and compensation of court reporters in Tehama County.

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

Ch. 1375 (AB 1087) McClintock Sentences.

Existing law imposes additional prison terms upon convicted felons who inflict great bodily injury on the victim

This bill would impose an additional prison term, as specified, where an injury is intentionally inflicted upon a pregnant woman, by a person who knows or should know that the victim is pregnant, in the commission or attempted commission of a felony, which causes the termination of the pregnancy This bill would also make conforming changes to existing sentencing provisions with respect to this enhancement.

This bill also provides that it would not limit the criminal sanctions which could be brought for murder

The bill would incorporate additional changes proposed by SB 428 contingent upon the prior enactment of that bill

Ch. 1376 (AB 972) Bradley. Schools: pupils: early diagnosis of learning disabilities.

(1) Under existing law, there are no provisions requiring the State Department of Education to develop a testing program for the early diagnosis of learning disabilities

This bill would require the department to develop a testing program, as specified, to be utilized at the kindergarten grade level to determine which pupils have a potential for developing learning disability problems. This bill would require the testing program to include an overall screening for learning disabilities and testing for dyslexia.

This bill would require the department, in developing the testing program, to consult with experts in the areas of learning and reading difficulties, as prescribed.

This bill would require the department to develop and implement a pilot project, as specified, to determine the effectiveness and feasibility of the early diagnosis of learning disabilities testing program.

This bill would require the department to prescribe guidelines for the testing program on or before January 1, 1986, as prescribed, and would also require that the department

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submit a report to both education policy committees of the Legislature on the results of the pilot program on or before January 1, 1989

This bill would require that the report include an assessment of the degree to which the early diagnosis of learning disabilities in pupils participating in the pilot project, and the projected cost-effectiveness of this early diagnosis.

(2) This bill would appropriate $150,000 to the State Department of Education for allocation during the 1985–86, 1986–87, and 1987–88 fiscal years, in accordance with a prescribed schedule

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

Ch. 1377 (AB 1120) Davis Controlled substances

(1) Existing law makes it a crime, punishable by imprisonment in the state prison as specified, for any person (1) to voluntarily solicit, induce, encourage, or intimidate any minor with the intent that the minor shall knowingly violate specified provisions with respect to specified controlled substances, or (2) to hire, employ, or use a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle specified controlled substances, including cocaine and heroin.

This bill would delete the element of these crimes which requires the minor to act knowingly The bill would impose a state-mandated local program by revising existing crimes

(2) Existing law provides that no person shall use, or be under the influence of, specified controlled substances, not including amphetamine and methamphetamine, except when they are administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances

This bill would specifically include amphetamine and methamphetamine within the group of controlled substances, the use of which is generally unlawful This bill would thus impose a state-mandated local program by creating a new crime.

(3) Existing law provides that, except in an unusual case where the interests of justice would best be served, probation or suspension of sentence shall not be granted to persons convicted of possessing for sale 28 5 grams or more of cocaine or methamphetamine, or a substance containing 28 5 grams or more of cocaine or methamphetamine.

This bill would provide, in addition, that, except in an unusual case where the interests of justice would best be served, probation or suspension of sentence shall not be granted to persons convicted of selling 28.5 grams or more of cocaine or methamphetamine, or a substance containing 28 5 grams or more of cocaine or methamphetamine, or to persons who use, solicit, induce, encourage, or intimidate a minor to manufacture, compound, or sell heroin, cocaine, or methamphetamine

(4) This bill would also incorporate the changes in Section 1203.073 proposed by this bill and AB 1699 if both bills are chaptered and this bill is chaptered last.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1378 (AB 761) Wright Santa Monica Mountains Conservancy.

(1) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy is composed of 7 voting members and 2 ex officio members One member is appointed by the Board of Supervisors of the County of Los Angeles

This bill would impose a state-mandated local program by revising the qualifications for that appointment, requiring the person to be an elected official, as specified

(2) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy Advisory Committee is composed of 12 members

This bill would delete the membership position that generally represents recreation and park districts within the Santa Monica Mountains Zone, selected by those districts, and would add 2 members to the advisory committee, with one each appointed by the Boards of Directors of Conejo and Rancho Simi Recreation and Park Districts, thereby imposing a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish

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procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 1379 (AB 756) Hughes Student financial aid California Teacher Shortage Loan Assumption Program· Student Aid Commission

Existing law requires the Student Aid Commission members to select a chairman from their ranks at any meeting which is the first meeting held after a change in membership has occurred

This bill would require the members of the commission to annually select a chairperson from the membership

Existing law establishes the eligibility requirements for participation in the California Teacher Shortage Loan Assumption Program Among other things, an applicant is required to hold a baccalaureate degree and be academically qualified to teach in designated critical shortage fields

This bill instead would require a person who applies for participation in the program on or after the effective date of this bill to be enrolled and have completed at least 60 semester units or the equivalent thereof in a postsecondary educational program that will lead to a credential in a designated critical shortage field, be participating in a teacher trainee program, or hold a baccalaureate degree and agree to complete additional training or coursework to be fully credentialed to teach in a designated critical shortage field.

This bill would repeal the provisions that make teachers, employed by a school district providing classroom instruction in a designated critical shortage field, eligible to participate in the California Teacher Shortage Loan Assumption Program.

Under existing law, the Student Aid Commission administers the State Guaranteed Loan Program, as specified

This bill would impose certain administrative and reporting duties upon each agency or organization that guarantees student loans for California residents or students attending educational institutions in California

This bill would require the California Postsecondary Education Commission to conduct a study of the guarantee function of the State Guaranteed Loan Program, as specified, and to submit the study and the commission's recommendations to the Legislature by December 1986

This bill would provide that Section 69601.1 of the Education Code, as added by this bill, would not take effect if SB 1208 of the 1985–86 Regular Session is enacted

The bill would take effect immediately as an urgency statute

Ch. 1380 (AB 735) Moore Gas corporations gas purchases

Under existing law, gas corporations are public utilities subject to the jurisdiction and control of the Public Utilities Commission Existing law directs the commission to encourage, as a first priority, the increased production of gas in this state and requires these corporations to purchase that gas if it is compatible with the corporation's gas plant and would not result in higher overall costs of gas or other consequences adverse to the corporation's customers Existing law also requires that, during any hearing held under these provisions, the Business, Transportation and Housing Agency submit to the commission an analysis of the economic impacts of the production of California gas for consideration by the commission in determining the appropriate level of California gas production, and requires that the commission report to the Legislature on or before July 1, 1984, and annually thereafter to and including January 1, 1986, on its implementation of these provisions, including the agency's analysis

This bill would revise these provisions to apply to that gas which is not only produced in this state but also has an actual delivered cost, measured in equivalent heat units, equal to or less than other available gas. It would delete the requirement that the agency submit to the commission the specified analysis of the economic impacts of the production of California gas and would also delete the January 1, 1986, termination date of the requirement for annual reports to the Legislature by the commission, with the result

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that these annual reports would be required indefinitely.

The bill would also direct the commission to require every gas corporation to adopt and pursue gas procurement and purchasing practices assuring its customers the lowest rates consistent with security of supply and other specified considerations, as stated, and would authorize the commission to establish and periodically revise for each gas corporation guidelines for priorities among the suppliers and sources of gas to each gas corporation, taking specified matters into consideration

The bill would also declare the intent of the Legislature in enacting these provisions

Ch. 1381 (AB 1699) Condit. Probation. cocaine and methamphetamine

Existing law allows probation to be granted only in unusual cases where the interests of justice would best be served, as specified, for persons convicted of the felony of possessing for sale 28.5 grams or more of cocaine or of methamphetamine, or a substance containing 28.5 grams or more of one of those substances.

This bill would also allow probation to be granted only in unusual cases where the interests of justice would best be served for persons convicted of the felony of possessing for sale 57 grams or more of a substance containing cocaine or a substance containing methamphetamine The bill would also incorporate the changes in Section 1203 073 of the Penal Code proposed by this bill and AB 1120 if both bills are chaptered and this bill is chaptered last

Ch 1382 (AB 676) Elder Business and professions: inspectors

Existing law provides that the Director of Consumer Affairs may employ, among others, such inspectors as are necessary to properly investigate and prosecute all violations of any law, the enforcement of which is charged to the department or to any board, agency, or commission in the department. Existing law also provides that inspectors of the Division of Investigation of the Department of Consumer Affairs shall perform inspections authorized by the agencies within the department and that assignment of inspectors shall be made by the chief of the division with the approval of the director of the department.

This bill would repeal the latter provision and would revise the former provision to state that (1) it is the intent of the Legislature that inspectors used by the boards, bureaus, or commissions in the department shall not be required to be employees of the Division of Investigation, but may either be employees of, or under contract to, the boards, bureaus, or commissions, (2) contracts for services shall be consistent with specified provisions of the Government Code relating to personal services contracts; (3) any transfer of currently employed civil service inspectors, resulting from the bill, shall be in accordance with the State Civil Service Act, and (4) nothing in the provisions restricts or prohibits the authority of investigators in the Division of Investigation in the conduct of inspections or investigations, as specified The bill would delete a provision authorizing a member of the State Board of Fabric Care to enter and inspect specified establishments under the jurisdiction of the board The bill would make conforming changes.

Existing law authorizes the State Board of Cosmetology to adopt and enforce sanitation rules for cosmetological establishments, as specified.

This bill would specifically authorize the board, with the approval of the Director of Consumer Affairs, to enter into an agreement with any board, bureau, or commission within the Department of Consumer Affairs which employs sanitary inspectors to have those inspectors conduct sanitary inspections of cosmetological establishments and schools.

Existing law provides that the director may employ, and fix the compensation of, examiners, inspectors, investigators, assistants, deputies, and clerks, whenever necessary to carry out the provisions of the Cosmetology Act

This bill would provide that the State Board of Cosmetology, rather than the director, shall have the authority to employ, and fix the compensation of, all of these classes of personnel except investigators

The bill also would provide for the routine inspection of schools of cosmetology and electrology to determine their compliance with applicable laws relating to the public health and safety, as specified, and would provide for the review of those inspection activities by an advisory committee on inspections and disciplinary review which would

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be authorized to be appointed by the Governor, as specified.

Ch. 1383 (AB 82) Harris. Courts· monetary jurisdiction.

(1) Under existing law, municipal and justice courts have monetary jurisdiction in actions involving $15,000 or less.

This bill would raise the monetary jurisdiction for municipal and justice courts to $25,000.

(2) Existing law provides for the use of specified procedures for certain cases in justice and municipal courts in which the amount in controversy is $15,000 or less, including the use of case questionnaires with pleadings, limited discovery, and the use of affidavits at trial.

This bill would raise the monetary limit for the use of such procedures from $15,000 to $25,000.

(3) Existing law provides for judicial arbitration of specified civil cases in superior court, in certain counties if the amount in controversy will not exceed $15,000, and in other counties if the amount in controversy will not exceed $25,000. The judicial arbitration program will be repealed on January 1, 1986

This bill would raise the $15,000 monetary limit under these provisions to $25,000 in all counties and delete the $25,000 monetary limit provisions presently applicable only to specified counties, contingent upon the enactment of AB 48 extending the judicial arbitration program.

(4) Existing law provides for 64 judges of the Los Angeles Municipal Court District, and authorizes up to 10 additional judges upon the adoption of a specified resolution or resolutions by the board of supervisors These additional judgeships have been established as authorized. Thus, there is currently a total of 74 judges for the Los Angeles Municipal Court District.

This bill would authorize up to 10 more judges, in addition to the current 74 judges, for the Los Angeles Municipal Court District upon the adoption of a specified resolution or resolutions by the board of supervisors.

(5) Existing law provides for 6 judges of the Compton Municipal Court District in Los Angeles County, and authorizes the judges of a municipal court in that county, with the approval of the board of supervisors, to appoint additional court commissioners.

This bill would authorize up to 2 more judges, in addition to the current 6 judges, for the Compton Municipal Court District upon the adoption of a specified resolution or resolutions by the Los Angeles County Board of Supervisors, and upon the further condition that there shall be no more than 2.6 court commissioners for the Compton Municipal Court District following the appointment of the first additional judge and 1 6 court commissioners in the district following the appointment of the 2nd additional judge.

(6) Existing law provides for 23 judges for the San Diego Municipal Court District in San Diego County.

This bill would authorize an increase in the number of judges in the San Diego Municipal Court from 23 to 25 upon adoption of a specified resolution by the board of supervisors.

(7) Existing law provides for 8 judges for the El Cajon Municipal Court District in San Diego County.

This bill would authorize an increase in the number of judges for the El Cajon Municipal Court District in San Diego County from 8 to a maximum of 10 upon the adoption of a specified resolution by the board of supervisors.

(8) Existing law provides for 3 municipal court judges in the Northern Solano Judicial District.

This bill would increase the number of municipal court judges for the Northern Solano Judicial District from 3 to 4, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(9) Existing law provides for 9 judges in the municipal court in the Consolidated Fresno Judicial District

This bill would increase the number of municipal court judges for the Consolidated Fresno Judicial District to 10, thus imposing a state-mandated local program by requiring a higher level of service under an existing program.

(10) Existing law provides for 7 municipal court judges in the Orange County Harbor

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Municipal Court.

This bill would increase the number of municipal court judges in the Orange County Municipal Court to 8, thus establishing a state-mandated local program by requiring a higher level of service under an existing program.

(11) Existing law provides for 2 judges for the municipal court in the Mt San Jacinto Judicial District in Riverside County, provided that if the board of supervisors adopts a specified resolution there shall be 3 judges of the municipal court.

This bill would provide that there are 3 judges of the municipal court in the Mt San Jacinto Judicial District in Riverside County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program; and would authorize an additional judge for the municipal court upon adoption of a specified resolution by the board of supervisors

(12) Existing law provides for 3 judges for the San Luis Obispo County Municipal Court, and authorizes a 4th judge upon the adoption of a specified resolution by the board of supervisors.

This bill would increase the number of judges for the San Luis Obispo Municipal Court from 3 to 4, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program; and would authorize a 5th judge upon the adoption of a specified resolution by the board of supervisors

(13) Existing law provides for 5 judges for the Stockton Municipal Court, and authorizes a 6th judge upon the adoption of a specified resolution by the board of supervisors.

This bill would increase the number of judges for the Stockton Municipal Court from 5 to 6, and would also, on July 1, 1986, increase the number of judges for the Stockton Municipal Court from 6 to 7 judges, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(14) Existing law provides for 2 judges of the municipal court for the Visalia Judicial District in Tulare County.

This bill would increase the number of judges of the municipal court for the Visalia Judicial District in Tulare County from 2 to 3, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(15) Existing law provides for 3 judges for the Yolo County Municipal Court.

This bill would increase the number of judges for the Yolo County Municipal Court from 3 to 4, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1384 (SB 309) Keene Crimes.

Existing law provides that kidnapping is punishable by imprisonment in the state prison for 3, 5, or 7 years

This bill would provide that any person convicted of certain kidnapping offenses who kidnapped or carried away any child under the age of 14 years, with the intent to permanently deprive the parent or legal guardian of custody of that child, would be punished by an additional term of 5 years

Ch. 1385 (SB 1167) Marks. Displaced Homemaker Emergency Loan Act.

Existing law establishes the Displaced Homemaker Emergency Loan Act, which is an emergency loan program pilot project in the Counties of Marin, San Francisco, and Alameda designed to assist displaced homemakers, as specified The act is administered by the California Commission on the Status of Women and will remain in effect only until January 1, 1989

This bill would remove the Displaced Homemaker Emergency Loan Act from the Unemployment Insurance Code and would put it in the Government Code, to remain in effect until January 1, 1992.

This bill would also make various changes in the act and would establish an advisory committee, as specified, which shall consult with the commission and other appropriate officials in developing and administering the act.

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The bill would appropriate $1,150,000 from the General Fund to be allocated as specified.

The bill, in addition, would go into effect immediately as an urgency statute

Ch 1386 (SB 10) Robbins Insurance: complaints

Existing law requires the Insurance Commissioner to receive and, as appropriate, investigate and respond to complaints by members of the public concerning the handling of insurance claims by insurers, or alleged misconduct by insurers or production agencies.

This bill would require the commissioner to notify the complainant within 10 working days of receipt of the complaint by the commissioner The commissioner would also be required to notify the complainant of the final action taken on the complaint The bill would also provide that the commissioner shall, if deemed appropriate, notify the insurers or production agencies against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the insurer in order to mediate the complaint.

Existing law requires the Insurance Commissioner to make an annual report to the Governor containing a synopsis of the reports which have been filed in his or her office and showing, generally, the condition of the insurance business and interests in this state, and other matters concerning insurance.

This bill would require the Insurance Commissioner to include in the report to the Governor the actions taken with respect to the patterns of complaints and to periodically evaluate the complaint pattern, as specified

Ch. 1387 (SB 1058) Lockyer. Domestic violence

Under existing law, any willful and knowing violation of certain court domestic relations orders obtained pursuant to specified provisions of law constitutes a misdemeanor punishable by a fine of not more than $1,000 or by imprisonment in the county jail for not more than 6 months, or by both the fine and imprisonment.

This bill would revise the above offense with respect to the violation of certain orders to require that the violation result in injury It would specify that a jail term for at least 48 hours be imposed, whether a fine or imprisonment is imposed, or the sentence is suspended, thus creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1388 (SB 72) Beverly Burglary

Existing law contains provisions denying probation in first degree burglary cases, except in unusual cases where the interests of justice would best be served by granting probation.

Under existing law, these limits on probation will remain in effect only until January 1, 1986, or upon approval of prison facility sites in Los Angeles and Riverside Counties, as specified, whichever occurs first

This bill would extend these limits on probation indefinitely.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1389 (SB 1070) Lockyer Income taxes individual retirement plans

Under both the state and federal income tax laws, various deductions are allowed for certain qualified retirement contributions. For state income tax purposes, the federal provisions in effect as of a specified date, are applicable except for certain differences, including, among other things, a lower maximum deduction amount for contributions to individual retirement plans for employed individuals and employed married persons, and the individuals who are eligible to take the deduction, including special rules for

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certain divorced individuals.

This bill would provide that in the case of divorced persons, alimony and separate maintenance payments, as determined under specified federal laws, shall be treated as compensation for purposes of those provisions

This bill would incorporate additional changes to Section 17272 of the Revenue and Taxation Code proposed by AB 66 and AB 742, to take effect if either or both bills are chaptered.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 1390 (SB 959) Hart Offshore energy development and coastal and ocean resources.

Under existing law, there are programs for the study, protection, and management of ocean and coastal resources.

This bill would enact the Coastal Resources and Energy Assistance Act to require the Secretary of Environmental Affairs to award block grants to coastal counties for purposes of aiding activities related to offshore energy development, as specified and to award grants to coastal cities for activities related to offshore development. The bill would authorize the secretary to award technical and financial assistance to coastal cities for the purpose of improving the management of coastal resources, as specified. The bill would require the Department of Fish and Game to expand existing activities or initiate new activities in its marine resources program, as specified.

The bill would create the Offshore Energy Assistance Fund, deposit in that fund $25,000,000 of federal escrow funds received by the state pursuant to the Outer Continental Shelf Lands Act, as amended, and continuously appropriate that amount, without regard to fiscal years, to the secretary for purposes of exercising the secretary's responsibilities and authority under the bill. The bill would also create the Local Coastal Program Improvement Fund, deposit $10,500,000 of that federal money in that fund, and appropriate that amount without regard to fiscal years to the secretary for purposes of exercising the secretary's responsibilities and authority under the bill. The bill would also require that an additional $2,500,000 of those federal escrow funds be deposited in a separate account in the Fish and Game Preservation Fund and be available for appropriation to the Department of Fish and Game for purposes of exercising specified responsibilities and authority under the bill.

Ch. 1391 (AB 2046) Johnson. Courts: transcription fees.

(1) Under existing law, in criminal cases in the superior court where the court so directs, the reporting and transcription fees for a transcript ordered by the county are paid out of the county treasury

This bill would authorize an additional fee, as set by the court with the agreement of the reporter, for the preparation of each transcript by a single reporter, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law prescribes the transcription fees for superior courts.

This bill would authorize a superior court reporter to charge an additional fee, as specified, for transcripts prepared using computer assistance and delivered on a medium other than paper, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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Ch 1392 (SB 1148) Dills. Electricity: rates for steel producers.

(1) Under existing law, effective until January 1, 1986, electrical corporations have prepared and filed with the Public Utilities Commission tariffs providing for optional interruptible electric service for steel producers pursuant to which the commission has established 2 rates for electricity furnished for the production of steel, one for interruptible service and one for standard service Existing law defines "steel producer," for these purposes, as, among other things, a producer of rolled and finished steel having a maximum demand for electricity of 10,000 kilowatts or more at one plant location.

This bill would revise the definition of "steel producer," for these purposes, to mean, among other things, a producer of rolled or finished steel having a maximum demand for electricity of 4,000 kilowatts or more at one plant location, would extend the termination date for these provisions to January 1, 1987, and would make other related and conforming changes. The bill would prohibit an electrical corporation from recovering any of its costs in implementing the above existing law if it fails to file with the commission on or before January 2, 1986, the tariff discussed below.

The bill would require every electrical corporation which serves a steel producer, frozen food processor, or other heavy-industry customer to prepare and file with the commission tariffs applying to service to these customers providing for rates lower than the system average rate, as defined, for specific service requirements of each customer, for incentives to achieve conservation, improvements in efficiency, and time-of-day load shifting, and for implementation at the option of the customer. The bill would require the commission to consider and approve these tariffs on or before July 1, 1986, and would provide for these tariffs to supersede the tariffs prepared and filed pursuant to the above provisions.

By requiring electrical corporations to prepare and file these tariffs, the bill would, pursuant to other provisions of law, create a new crime and would thereby impose a state-mandated local program.

The bill would also state the intent of the Legislature in enacting these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would appropriate $229,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account in the General Fund for expenditure during the 1985–86 fiscal year for these purposes.

Ch. 1393 (SB 1223) Keene. Mortgage interest.

Existing law does not expressly restrict the time for commencement of interest on a note secured by a mortgage or deed of trust.

This bill would preclude commencement of the accrual of interest on a promissory note secured by a mortgage or deed of trust before close of escrow or, if there is no escrow, the date the loan proceeds are made available for withdrawal, as defined, unless the loan proceeds are paid or made available, as the case may be, in cash or by an instrument issued by, or drawn on, a federally insured financial institution with an office in this state where payment may be obtained

Ch. 1394 (SB 495) Petris Health.

Under existing law, the State Department of Health Services is required to maintain a program on occupational health and occupational disease prevention.

This bill would require the department to establish the above-mentioned program by January 1, 1987, and to report thereon to the Legislature by January 1, 1988. The bill would also require employers to supply certain data to the department, and would provide that the department shall have access to places of employment for specified purposes and the right to ask questions and review and copy records, as specified.

The bill would appropriate $500,000 to the State Department of Health Services to carry out the purposes of the bill.

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Ch 1395 (SB 976) Bergeson. Hazardous waste: shredder wastes.

Existing law prohibits the disposal of hazardous waste, except in accordance with specified statutory provisions and the regulations of the State Department of Health Services The department is authorized to adopt varying regulations for different areas of the state, depending upon specified factors.

This bill would prohibit the department from classifying as a hazardous waste, for purposes of disposal, any waste which results from the shredding of automobile bodies, household appliances, and sheet metal, if the producer demonstrates, and the department determines, pursuant to specified regulations, requirements, plans, policies, and rules, that the waste will not pose a threat to human health or water quality. The bill would require a shredder waste producer to provide specified information annually to the department This provision would be repealed on January 1, 1988.

The bill would also require the California Waste Management Board to report to the Legislature, by January 1, 1987, on the need for disposal capacity for shredder waste and would require the specified regional water quality control boards, within 90 days after the effective date of this bill, to prepare a list of Class III landfills authorized to accept and dispose of these wastes.

The bill would take effect immediately as an urgency statute

Ch 1396 (AB 1976) N. Waters. Criminal records.

Existing law specifies the persons and entities that may receive state summary criminal history information under specified circumstances and authorizes the Department of Justice to charge a fee in specified cases including those in which that information is furnished for employment purposes. Existing law provides for the furnishing of conviction records relating to sex and drug crimes, and crimes of violence, as defined, concerning persons who apply for employment or volunteer for a position which involves supervisory or disciplinary power over a minor; and authorizes the department to charge a fee for processing the request for that information, to be paid by the employer.

This bill would amend those provisions to provide that no fee shall be charged a nonprofit organization for the furnishing of that conviction information.

The bill would appropriate $46,000 to the Department of Justice if the existing law is so amended during the 1985–86 Regular Session.

This bill would incorporate changes in Section 11105.3 of the Penal Code proposed by AB 1117, but only if AB 1117 is chaptered and becomes effective, and this bill is chaptered last

Ch. 1397 (AB 2382) Mojonnier. Drug abuse programs.

(1) Existing law requires the State Department of Alcohol and Drug Programs to license methadone programs.

This bill would authorize the department to revoke or suspend methadone licenses when programs are in noncompliance with promulgated regulations, and to take specified disciplinary actions against a licensee.

The bill would also revise the circumstances under which the identity and records of patients in methadone programs may be disclosed, and would delete the requirement for a patient identification card.

(2) Under existing law, narcotic and drug programs are required to register with the county drug program coordinator.

This bill would revise the scope of the drug abuse program.

(3) Under existing law, the State Department of Alcohol and Drug Programs is required to assure that each small population county receives a minimum amount of funds to provide adequate drug services

This bill would establish minimum allocation as not less than the 1984–85 drug allocation to those counties, unless the county has underspent its prior allocations, as specified

(4) Existing law provides that 1984–85 fiscal year establish base funding for the county alcohol and drug allocations.

This bill would provide a separate allocation that is specifically for the drug abuse programs.

(5) Under existing law, the cost of services specified in the county drug program plan is the actual cost, as determined with standard accounting practices, or a negotiated rate approved by the county and the department

This bill would require the negotiated rate to be approved by the county The bill would also authorize the department to negotiate net amount contracts with the coun-

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ties in lieu of the annual county plan and budget.

(6) Existing law requires the department to annually audit the expenditures of any organization funded in whole or in part with funds administered by the department, and permits counties to audit the expenditures of organizations funded in whole or in part with funds administered by the department.

This bill would, instead, require the department to audit or contract to audit the expenditures of counties and direct contractors at least every 3 years, including a sample of subcontractors funded in whole or in part with funds administered by the department, and would provide that audit findings as contained in the department audit reports may be appealed by counties directly to the department

Ch. 1398 (AB 2320) Condit. Controlled substances.

Existing law makes it a felony for a person to, among other things, possess for sale, sell, transport, or manufacture specified controlled substances, including heroin, cocaine, and phencyclidine. Existing law also provides for the imposition of additional or consecutive prison terms, or both, in various felony cases.

This bill would provide for the imposition of an additional and consecutive 3-year term in certain controlled substance cases where the person had certain prior convictions relating to controlled substances, and additional terms of 3, 5, or 10 years in cases where a violation involved a specified quantity of a substance containing heroin, or cocaine, or of phencyclidine or its analogs or immediate precursors, as specified.

Ch 1399 (AB 2297) Davis. Mortgage credit certificates.

(1) Existing federal law limits the total amount of qualified mortgage bonds that can be issued to finance owner-occupied residences. The existing Costa-Marks Housing Bond Allocation Act of 1981 allocates the amount of qualified mortgage bonds, as defined, that may be issued annually in this state, among various governmental units

This bill would change the name of that act to the Costa-Marks Mortgage Bond and Credit Certificate Act, would enact certain provisions to implement a part of the federal Tax Reform Act of 1982 relating to mortgage credit certificates, and would authorize an agency of the state and any local agency to issue mortgage credit certificates under a mortgage credit certificate program, as specified

(2) Existing law requires a local agency to deposit an amount of money or provide a letter of credit in an amount equal to ½ of 1% of the dollar amount of qualified mortgage bonds requested by the local agency. Existing law requires the local agency to use a certain portion of that amount to assist housing for persons of low and moderate income if the local agency does not sell all of the amount of bonds allocated to the local agency.

This bill would permit an issuer who establishes a mortgage credit certificate program to withdraw those funds, or a portion of those funds, under certain prescribed circumstances

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

Ch. 1400 (AB 2094) Areias Toxic Pits Cleanup Act of 1984. exemptions

Under existing law, persons may apply for exemptions from the requirements of the Toxic Pits Cleanup Act of 1984 under specified conditions.

This bill would exempt certain in-ground sumps used by pest control operators or a local or state agency for pest control operations from the requirements of the act relating to discharge of liquid hazardous waste, double liners, leachate collection systems, groundwater monitoring, as specified, and hydrogeological assessment reports

The bill would also establish requirements for the regional water quality control board with regard to the in-ground sumps which come within the exemption.

Ch 1401 (AB 1932) Ferguson. Driving offenses: pretrial diversion

Under existing law, violations of the Vehicle Code are, generally, infractions unless otherwise specified. Penalties for violations of specified provisions or multiple violations within specified periods of time include restriction, suspension, or revocation of the privilege to drive or enhanced punishments. Under existing law, the court is authorized to grant continuance of proceedings on an alleged violation, and dismiss charges in the interests of justice, which may include attendance by the alleged violator at specified

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schooling. If proceedings are dismissed on that ground, the court is required to report that fact to the Department of Motor Vehicles, and the record in the department is confidential, except as specified.

This bill would make the record in the department confidential for only one dismissal, as described, in any 12-month period.

The bill would also provide that, if a court dismisses a second offense, as described, after attendance at a traffic school, the court may order that the attendance be at a licensed school for traffic violators which offers program of at least 12 hours of instruction.

Ch. 1402 (SB 1062) Lockyer. Child day care facilities

Existing law does not authorize the State Department of Social Services to assess administrative fines to day child care facilities which have violated the law.

This bill would provide that when the licensing agency has reason to believe that an unlicensed day care facility is operating or that a day care facilty is in violation of the California Child Day Care Facilities Act or of the rules and regulations adopted under the California Child Day Care Facilities Act, the agency may issue a citation to the facility. The citation would be required to describe the nature of the violation and the action proposed by the licensing agency.

The bill would provide for an appeal procedure utilizing an informal conference with respect to the citation or assessment of a civil penalty.

Ch. 1403 (SB 280) McCorquodale. Fish and game.

(1) Under existing law, "buy" is defined, generally, for purposes of the Fish and Game Code, to include an offer to buy, barter, exchange or trade, and "purchase" is not generally defined for purposes of the Fish and Game Code.

This bill would also include an offer to purchase in that definition of "buy" and would define "purchase" to mean buy, as so defined.

(2) Under existing law, a cannery or packing plant is required to mark fish taken under a sport fishing license, as specified. However, certain fish taken under a sport fishing license may not be possessed where fish are offered for sale.

This bill would expressly authorize a fish cannery or processor to can or smoke fish for a licensed sport fisherman and require specified marking on packages of smoked fish.

(3) Existing law prohibits the sale or purchase of striped bass, sturgeon, and sturgeon eggs and their possession in specified sales facilities, except as provided. Existing law also prohibits the sale or purchase of certain bass, croaker, or California corbina.

This bill would revise and recast those prohibitions regarding striped bass and sturgeon, expressly permitting possession in an eating establishment under specified conditions and permitting sale of cultured progeny of a registered aquaculturist and imported fish.

The bill would also require a sturgeon egg processor or dealer to obtain a license from the Department of Fish and Game, would establish a fee for the license, would require prescribed records to be kept for 2 years, and would require the commission to revoke the license of a person convicted of specified violations and would prohibit that person from engaging in the businesses relating to sturgeon eggs, as specified, for specified periods.

The bill would also prohibit the possession in specified sales facilities of certain bass species, croaker, and California corbina

The bill would make a violation of specified prohibitions in the bill and related prohibitions grounds for suspension of a specified business license for 7 to 30 days.

(4) Existing law provides for seizure of specified wildlife unlawfully taken, possessed, sold, or transported, and for the disposition of the seized wildlife.

This bill would also provide for seizure of specified wildlife which are unlawfully imported.

(5) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would increase the amount of money deposited in the fund and make the money available for a new purpose, it would make an appropriation

(6) Existing provisions of the Fish and Game Code impose criminal penalties for

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violations of that code and regulations adopted under it.

This bill would impose a state-mandated local program by creating new crimes and changing the definition of existing crimes in that code

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1404 (AB 1026) Herger. Pesticides: penalties: abatement.

(1) Under existing law, any violation of statutory provisions or regulations of the Director of Food and Agriculture governing the use of pesticides is a misdemeanor punishable by a fine of not less than $100 nor more than $1,000, or by imprisonment of not less than 10 days nor more than 6 months, or by both the fine and imprisonment.

This bill would increase these penalties for violation of any provision relating to pesticides to a fine of not less than $500 nor more than $5,000, imprisonment of not more than 6 months, or both, for a first offense, and would provide penalties of a fine of not less than $1,000 nor more than $10,000, imprisonment of not more than 6 months, or both the fine and imprisonment, for a second or subsequent violation of the same provision. The bill would provide for a penalty of imprisonment in the county jail of not more than one year or in the state prison or a fine of not less than $5,000 nor more than $50,000, or both the fine and imprisonment, if the offense involves an intentional violation which created or reasonably could have created a hazard to human health or the environment.

(2) Under existing law, the director is authorized to seek a civil penalty of not more than $500 for a violation of any of the pesticide use provisions in lieu of seeking prosecution of the violation as a misdemeanor.

This bill would increase the civil penalty to not more than $10,000 for violation of any provision relating to pesticides and would provide for a civil penalty of not more than $25,000 for a second or subsequent violation that is the same as a prior violation or similar to a prior violation or an intentional violation which resulted or reasonably could have resulted in the creation of a hazard to human health or the environment or in the disruption of the market of the crop or commodity involved.

(3) Under existing law, any lot of produce which is found to carry pesticide residue in excess of any maximum which is provided as specified, or in excess of a permissible tolerance is a public nuisance and, if not disposed of pursuant to specified provisions, is subject to disposal on complaint of the director to a court of competent jurisdiction.

This bill would, in addition, authorize the director, if the director finds evidence that a crop, commodity, or site has been treated with an economic poison not registered for use on the crop, commodity, or site and the treatment has resulted in or could reasonably result in the creation of a hazard to human health or result in an unfair business advantage, to declare the crop or commodity to be a public nuisance and to seize and hold it to prevent harvest and sale. The bill would require the director to hold the crop or commodity for 30 days and, if no action has been filed to contest the seizure, would permit the director to order the crop or commodity to be destroyed.

(4) The bill would make legislative findings and declarations.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 1405 (AB 2016) Frazee. Agricultural land: Williamson Act contracts.

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

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property.

This bill would permit until January 1, 1989, landowners with land subject to contract and located within the coastal zone, upon notice to the contracting city, to enter into agreements with the city amending the boundaries of an agricultural preserve in order to remove a portion of the land subject to contract from the contract and to include other land within the contract, if specified findings are made by the city and the California Coastal Commission. This bill would prescribe the procedure for reaching agreement on the amendment of a contract pursuant to this bill.

This bill would require the Secretary of the Resources Agency to report to the Legislature no later than January 1, 1988, on the effects of the bill.

Ch. 1406 (AB 2006) N. Waters. Crimes: punishment

(1) Existing law provides that probation shall not be granted, nor shall the execution or imposition of sentence be suspended, nor shall charges be dismissed in the interests of justice, except as specified, with respect to the crime of lewd and lascivious conduct with a child under the age of 14, if any of various aggravated circumstances exist

This bill would add to the list of aggravated circumstances for these purposes the fact that obscene matter or matter depicting sexual conduct, as specified, was used in the commission of the crime. By changing the definition of a crime, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1407 (AB 1987) Elder. Pipeline safety· hazardous and highly volatile liquids.

(1) Under the California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory and enforcement authority over intrastate hazardous liquid pipelines in compliance with federal laws and regulations relating to hazardous liquid pipeline safety. Under existing law, the Public Utilities Commission has regulatory jurisdiction over the furnishing of services and the rates charged by operators of common carrier pipelines The California Pipeline Safety Act of 1981 exempts from its application, among other things, pipelines owned by a publicly owned or privately owned public utility not used as a common carrier, flow lines, and gathering lines.

This bill would include under the California Pipeline Safety Act of 1981 certain pipelines subject to recently adopted federal regulations and also, with certain designated exceptions, pipelines transporting highly volatile liquid substances The bill would delete the exemption for pipelines owned by public utilities not used as a common carrier, for specified flow lines, and for specified gathering lines, and would instead exempt pipelines which transport hazardous liquid in a gaseous state; transport hazardous liquid by gravity; transport hazardous liquid at a stress level of 20% or less of the yield strength of the pipe; transport crude oil under certain circumstances in rural areas, as defined; transport hazardous liquid in certain portions of offshore pipelines and onshore pipelines through a production, refining, manufacturing, or storage facility, and transportation of a hazardous liquid to or from a vessel or vehicle and any other vessel or vehicle or a terminal facility.

The bill would revise the schedule for compliance with various required safety devices and the requirements of pressure tests under the act By deleting the exemption for pipelines owned or operated by a publicly owned public utility and by requiring the earlier installation of line markers and cathodic protection in existing pipelines and pipelines made subject to the bill, the bill would impose a state-mandated local program since a violation of the act is a crime and new duties are imposed on publicly owned public utilities.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

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Ch 1408 (AB 1893) Peace. County water authorities.

(1) Under existing law, the board of directors of a county water authority may fix the terms and conditions upon which territory that is annexed to a member water district of the authority may also be annexed to the county water authority.

This bill would require the terms and conditions to be transmitted to the executive officer of the local agency formation commission. The bill would impose a state-mandated local program by requiring the local agency formation commission to require that the annexation to the member water district be subject to the terms and conditions fixed by the board of directors of the county water authority in addition to other terms and conditions that may be required by the commission and would specify related duties of the executive officer of the commission

(2) Under existing law, territory included within a member water district which is not within the boundaries of the county water authority may be annexed to the authority only upon approval of the voters within the territory to be annexed.

This bill would permit territory which has fewer than 12 registered voters to be annexed to the authority without an election if approved in writing by the owners of more than 50% of the assessed valuation of the territory

(3) Under existing law, an exchange of territory among member public agencies, unless expressly consented to by the board of directors of a county water authority, results in the exclusion of the territory from the authority.

This bill would delete the requirement for that consent in the case of a reorganization of the boundaries of 2 or more member public agencies which does not affect the boundaries of the county water authority and would prescribe related requirements. The bill would exempt from the requirement of consent an exchange or transfer of territory prior to January 1, 1986, subject to the filing of a specified statement.

(4) Under existing law, revenue bonds may be issued by a county water authority under the Revenue Bond Law of 1941

This bill would authorize an authority to incur specified debt by contract, payable over a period not to exceed 30 years, in lieu of issuing bonds approved by the voters under that law for the purpose approved by the voters.

(5) Under existing law, the board of directors of a county water authority is generally authorized to provide for the proper administration of the affairs of the authority by ordinance.

This bill would authorize the board to so provide by resolution.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 1409 (AB 1740) McAlister. Incarceration costs.

Existing law provides that in any case in which a defendant is convicted of an offense and ordered confined, as a term of probation, in a county jail or other local detention facility, the court may, after a hearing, determine the ability of the defendant to pay the county for all or a portion of the reasonable costs of the defendant's incarceration. The operation of this provision is contingent upon the adoption of an ordinance to that effect by a board of supervisors.

This bill would extend these provisions to include payment to a city for the costs of incarceration in the city jail. These provisions would be contingent upon the adoption of an ordinance to that effect by a city council.

The bill would also incorporate changes to Section 1203.1c of the Penal Code proposed by SB 1252, contingent upon its enactment.

Ch. 1410 (AB 1521) Bader. School facilities. acquisition by purchase.

Existing law, under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, provides for the construction, remodeling, or replacement of existing school buildings and for the acquisition of new school sites and buildings for the purpose of making them available to school districts Existing law further authorizes a school district to issue for sale revenue bonds to finance the construction of joint occupancy facilities on district-owned property, as prescribed in existing law, which facilities are necessary to relieve overcrowded schools

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This bill would specify that "construction" is defined, for purpose of the authorization to finance joint occupancy facilities by the sale of revenue bonds, to include acquisition by purchase.

This bill would also require that facilities to be acquired by purchase under these provisions for pupil occupancy comply with the Field Act, pertaining to structural standards.

Existing law requires that the governing board of a school district own any site upon which a building is to be constructed for joint occupancy by the district and a private entity.

This bill would exempt from this requirement any building to be acquired by purchase, as specified.

Ch. 1411 (AB 1074) Committee on Health. Medi-Cal.

Under existing law, health care provided under the Medi-Cal program may include various services and supplies essential to treat conditions that cause suffering, endanger life, result in illness or infirmity, interfere with capacity for normal activity or for conditions which may develop into some significant handicap.

This bill would state, for the purposes of the Medi-Cal program, the conditions under which a service is "medically necessary" or a "medical necessity," and would include the prevention of significant illness or significant disability, and the alleviation of severe pain.

This bill would take effect immediately as an urgency statute.

Ch. 1412 (AB 189) Klehs. Community colleges. [9]

Existing law requires the governing board of each school district or community college district in which trustee areas have been established to adjust the boundaries of the trustee areas of the district before the 1st day of March of the year following the year in which the results of each decennial census are released.

This bill would provide that the boundaries are to be adjusted so that the population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas.

Existing law requires the Board of Governors of the California Community Colleges to levy fees for the issuance and renewal of teaching and related credentials, subject to the limitation that a fee may not exceed $25 without express legislative approval as of July 1, 1985.

This bill would provide, instead, that from July 1, 1985, to December 31, 1987, a credentialing fee may not exceed $40, and that, as of December 31, 1987, the fee may not exceed $25.

This bill would also require the Chancellor of the California Community Colleges to conduct a study, as specified, and report to the Legislature no later than February 15, 1987, regarding the necessity of maintaining credentialing requirements in the community college system

Ch 1413 (AB 727) Stirling. Corrections.

Existing law authorizes the Prison Industry Board to employ an executive director for the authority.

This bill would instead authorize the employment of a general manager.

Under existing provisions of the Government Code, the Youth and Adult Correctional Agency consists of, among others, the Department of Corrections, the Board of Prison Terms, and the Correctional Industries Commission. Existing provisions of the Penal Code provide that the Department of Corrections is composed of the Director of Corrections, the Board of Prison Terms, and the Correctional Industries Commission, and other provisions provide that the Prison Industry Authority has jurisdiction over operations formerly under the jurisdiction of the Correctional Industries Commission.

This bill would amend provisions of the Penal Code to provide that the Department of Corrections is composed of the Director of Corrections and the Prison Industry Authority.

This bill would appropriate $15,865,022 from the General Fund to the New Industries

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Revolving Account, which would be established by A.B. 764, for a loan to the Prison Industry Authority, and could only be loaned for those prison industry projects that have been approved by the Joint Legislative Prison Construction and Operations Committee. That appropriation would become operative only if this bill and A.B. 764 are both enacted.

The bill would take effect immediately as an urgency statute.

Ch. 1414 (AB 2559) Mountjoy. Clove cigarettes.

Existing law does not expressly provide for any study by a scientific advisory board appointed by the State Department of Health Services relating to the smoking of clove cigarettes.

This bill would require the department to appoint a scientific advisory board to evaluate the research and data from ongoing studies on the hazards of smoking clove cigarettes. The board would be required to make specified reports to the department and the department would be required to make a determination of the relationship between adverse health effects and the smoking of clove cigarettes The bill would require the department to make a final report of its findings and determinations to the Legislature on or before January 1, 1988. The bill would repeal the provisions on June 30, 1988

This bill would take effect immediately as an urgency statute.

Ch. 1415 (AB 1940) Bates. Community care facilities. unlicensed facilities.

(1) Existing law contained in the California Community Care Facilities Act provides for the licensure of community care facilities, as defined, by the State Department of Social Services. Existing law prohibits the operation of a community care facility without a license. Existing law provides various remedies for enforcing these provisions, including enjoining the operation of an unlicensed facility and misdemeanor sanctions

This bill would, if AB 384 of the 1985 Regular Session is enacted, permit and require the department to impose specified civil penalties for each day of violation of operating a facility without a license, as specified It would, if AB 384 is enacted, permit an operator to appeal the assessment and would require the department to promulgate regulations setting forth the appeal procedures. It would, if AB 384 is enacted, make each violation an infraction subject to a specified fine and permit any peace officer to enforce these provisions in a specified manner.

(2) Existing law makes it a misdemeanor to willfully or repeatedly violate certain requirements pertaining to community care facilities. Existing law also permits the director to bring an action to enjoin the violation or threatened violation of the provisions of law which prohibit the operation of a community care facility without a license. Existing law requires the district attorney of every county, upon application by the department to prosecute any violation of the California Community Care Facilities Act. Existing law requires the department to notify the State Department of Education when a child care development facility is found to have certain licensing violations.

This bill would, if AB 384 is enacted, prescribe that these civil, criminal, and administrative remedies are not exclusive and may be sought and employed in any combination deemed advisable by the department.

(3) This bill would also prescribe that operation of a community care facility without a license is subject to a summons to appear in court.

(4) Existing law requires any person desiring issuance or renewal of a license for a community care facility or a special permit for certain specialized services to file certain information with the state department.

This bill would, additionally, require each applicant to sign a statement that he or she has read and understood the community care facility licensure statute and regulations which pertain to the applicant's category of licensure. To the extent this requirement would apply to applicants of publicly operated community care facilities, it would impose a state-mandated local program

(5) This bill would make reference to the definition of "unlicensed facility" as contained in AB 384 of the 1985–86 Regular Session, as specified.

(6) This bill would, if SB 185 of the 1985 Regular Session is enacted, make it a misdemeanor, as specified, to violate certain provisions concerning residential care facilities for the elderly

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(7) This bill would, if SB 185 and AB 384 are enacted, require the department to impose specified civil penalties for each day of violation of operating a residential care facility for the elderly without a license, as specified It would make reference to the definition of "unlicensed residential facility for the elderly" and to the prohibition for operating such a facility without a license, as contained in AB 384.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

(9) This bill would appropriate $552,000 to the State Department of Social Services for postlicensing and monitoring activities pertaining to community care facilities, as specified

Ch 1416 (AB 2390) Stirling. Mentally disordered criminal offenders

Existing law provides for the placement on outpatient status of mentally disordered criminal offenders committed to a state hospital or treatment facility, subject to specified procedures

This bill would make legislative findings and declarations concerning the treatment of mentally disordered criminal offenders

This bill would provide that for a person committed as a mentally disordered criminal offender, as specified, who is placed on outpatient status under provisions of the Penal Code, time spent on outpatient status, except when placed in a locked facility, shall not count as actual custody and shall not be credited toward the person's maximum term of commitment The bill would provide for a contract between the state and a research agency concerning the prevalence of severe mental disorders among state prison inmates and parolees The bill would also require the State Department of Mental Health to research the demographic profiles and other related information regarding persons receiving supervision and treatment in the conditional release program, as provided for in the bill The bill would provide that the department may contract with an independent research agency to perform research and evaluation of the program

This bill would require the Department of Justice to automate and provide access to criminal histories of mentally disordered offenders, as specified

Ch 1417 (AB 1980) N Waters Child abuse prevention coordinating councils.

Various provisions of existing law deal with child abuse, including pilot projects and prevention centers

This bill would enact the Child Abuse Prevention Coordinating Council Act under which councils would be established by each county to coordinate community efforts to prevent and respond to child abuse, as specified

The bill would provide that each county would provide funding for the establishment of these councils through county children's trust funds, or if one has not been established in each county, the board of supervisors would be required to seek funding from the State Children's Trust Fund

These new requirements would constitute a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1418 (SB 1054) Lockyer. Mental health

Existing law provides for the treatment at a state hospital of certain mentally ill, mentally deficient, or insane persons confined in a state prison

This bill would, contingent on the enactment of SB 1296, provide for the commitment of mentally disordered offenders, as defined, under specified circumstances.

Existing law requires the county public defender to defend persons who are not

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financially able to employ counsel and who are charged with public offenses, and authorizes the public defender to represent persons in any proceedings relating to the nature or conditions of detention, of other restrictions prior to adjudication, of treatment, or of punishment resulting from criminal proceedings.

This bill would, in connection with the above-described program of treatment for indigent criminal offenders, require the appointment of the county public defender to represent those persons, and would require the district attorney to represent the people, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1419 (SB 1296) McCorquodale Prisoners.

Existing law provides for state prison inmates to be placed in a state hospital prior to release if the inmate would benefit therefrom, as specified, or if he or she is a danger to self or others or gravely disabled as a result of mental disorder

This bill would additionally provide for the treatment of certain convicted felons who have a severe mental disorder that is not in remission or cannot be kept in remission without treatment, by the State Department of Mental Health as a condition of parole, and after the expiration of parole for renewable one-year periods

Existing law requires the county public defender to defend persons who are not financially able to employ counsel and who are charged with public offenses, and authorizes the public defender to represent persons in any proceedings relating to the nature or conditions of detention, of other restrictions prior to adjudication, of treatment, or of punishment resulting from criminal proceedings.

This bill would, in connection with the above-described program of treatment for criminal offenders, require the appointment of the county public defender to represent those persons, and would require the district attorney to represent the people, thereby creating a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

The bill would become operative July 1, 1986, except as specified.

Ch 1420 (AB 442) Leonard Crimes: child abuse

Under existing law, certain classes of persons are required to make reports of known or suspected instances of child abuse Failure to make such a report is a misdemeanor. Included among these persons are child care custodians, as defined

This bill would expand that definition of child care custodians to include an instructional aide, teacher's aide, or teacher's assistant employed by any public or private school, and a classified employee of any public school, if such a person has received specified training and that fact has been warranted to the State Department of Education, thus increasing the number of persons subject to the above penal proscription, as well as increasing the volume of reports that must be processed by child protective agencies, and thus creating state-mandated local programs

The bill would require school districts which do not train the employees specified above in the duties of child care custodians under the child abuse reporting laws to report to the State Department of Education the reasons why that training is not provided, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill also would provide that no reimbursement is required by this act for a specified reason

Ch 1421 (SB 663) McCorquodale. State Air Resources Board.

(1) Under existing law, the State Air Resources Board consists of 7 members appointed by the Governor Three of the members are required to be locally elected officials from air pollution control districts and air quality management districts, with 2 of the 3 members from the South Coast Air Quality Management District, the Bay Area Air Quality Management District, and the San Diego Air Pollution Control District, on an annual rotation basis

This bill would increase the membership of the state board to 9 The bill would change the reference to locally elected officials to board members and would increase the number of board members from districts from 3 to 4, with one from the South Coast Air Quality Management District, one from the Bay Area Air Quality Management District, one from the San Diego Pollution Control District, and one from any other district.

(2) Existing law requires the district from which a person qualified for membership on the state board to pay the expenses of the member while serving on the state board to the extent that the expenses are not otherwise provided or payable by another public agency.

This bill would, instead, require the state board to pay the expenses for one district member, as specified

(3) The bill would also repeal obsolete provisions

Ch. 1422 (AB 1868) Calderon State Air Resources Board.

Under existing law, the State Air Resources Board consists of 7 members appointed by the Governor Three members of the state board are required to be locally elected officials from the boards of air quality management districts and air pollution control districts, with 2 of the 3 members from the South Coast Air Quality Maintenance District, the Bay Area Air Quality Maintenance District, and the San Diego Air Pollution Control District on an annual rotation basis and one member from one of the other districts

This bill would increase the membership of the state board to 9 The bill would change the reference to locally elected officials to board members, would increase the number of board members from districts from 3 to 4, would delete the provisions on appointment of the 2 district members on a rotation basis and would, instead, require one member of the state board to be from the south coast district, one from the bay district, one from the San Diego Air Pollution Control District, and one from another district.

Ch 1423 (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 instructional purposes. Among other things, the taxpayer is required to obtain a written statement from the donee to be eligible for the deduction The deduction is permitted for contributions made on or after July 1, 1983, and no later than June 30, 1985

This bill would permit the deduction to be made for contributions made no later than December 31, 1987 It would also require the statement to contain a specified representation in the case of a contribution of a computer.

This bill would also require the Legislative Analyst to submit a report to the Legislature by February 1, 1987, evaluating the effect of the provisions permitting a deduction for charitable contributions of new tangible personal property of a scientific nature

This bill would take effect immediately as a tax levy

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Ch. 1424 (AB 313) Klehs. Sales and use taxes.

Existing law provides a total exemption from state and local sales and use taxes for food products, with certain exceptions, including when those food products are sold through a vending machine

This bill would provide that any vending machine operator is a consumer of, and shall not be considered a retailer of, food products which sell at retail for 15¢ or less and which are actually sold through a vending machine, thereby providing a total exemption for food products sold at retail for 15¢ or less through a vending machine.

Existing California Sales and Use Tax Law imposes a state sales and use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from the tax Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would 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. 1425 (AB 2007) Cortese Fire suppression. appropriation. [10]

Under existing law, the Budget Act of 1985 appropriates $1,500,000 for a reserve for contingencies or emergencies

This bill would appropriate $24,333,000 from the Contingency Reserve for Economic Uncertainties in augmentation of that budget item for allocation by the Director of Finance to local agencies, the Anderson Valley Community Services District, and the Department of Forestry for fire suppression and other emergency service costs relating to fires and to Monterey County for fishery restoration costs attributable to fires.

The bill would take effect immediately as an urgency statute

Ch 1426 (AB 454) Vicencia. Foster care reimbursement. [11]

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program under which each county provides foster care providers with adequate sums for the care of eligible foster children, as determined pursuant to rates set by the State Department of Social Services.

Existing law appropriates out of money in the State Treasury, not otherwise appropriated, until January 1, 1987, an amount of funds to reimburse each county for 95% of a county's costs of providing aid under the AFDC-FC program, with the state's share of costs after that date to be determined pursuant to a specified formula

This bill would instead provide that the state shall continue to pay 95% of county aid costs under the AFDC-FC program until July 1, 1988, at which time the formula referred to above would become operative

This bill would also make a conforming change.

The bill would appropriate, in augmentation of the Budget Act of 1985, $15,000,000 from the General Fund to the State Department of Social Services, for allocation by the department for the provision of child welfare services

The bill would take effect immediately as an urgency statute.

Ch. 1427 (AB 791) Costa Water comprehensive service laboratory. [12]

(1) Existing law does not provide for a comprehensive service laboratory for analysis of water, soil, and air systems associated with agricultural activities.

This bill would direct the Department of Water Resources to conduct a study to determine the feasibility of entering into an interagency agreement with an appropriate state educational institution to establish a comprehensive, multifunctional service laboratory to provide support for chemical analysis of water, soil, and air systems associated with agricultural activities and which meets prescribed criteria.

The bill would require the department to submit its final report to the Legislature by

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January 1, 1987.

(2) The bill would also appropriate $387,700 to the department for allocation to California State University, Fresno, for a feasibility study regarding the development and implementation of specific physical, chemical, or biological processes for the removal of salts, selenium, and other trace elements from agricultural drain waters in the San Joaquin Valley.

Ch. 1428 (SB 1063) Presley. Hazardous substances: Clean water. [13]

(1) Under existing law, provision is made for various procedures to ensure the potability of drinking water.

This bill would establish the Emergency Clean Water Grant Fund in the General Fund and would continuously appropriate the fund to the State Department of Health Services to provide financial assistance to public water systems and to fund emergency actions to ensure safe drinking water supplies. The department would be required to submit a report to the Legislature by March 15, 1986, concerning the allocation and administration of moneys in the fund.

(2) The department is authorized, generally, under existing law, to undertake removal or remedial actions at hazardous substance release sites. Existing law requires that any treatment, transfer, or disposal facility built on the Stringfellow Quarry Class I Hazardous Waste Disposal Site be used only for those hazardous substances removed from the site.

This bill would require the department to conduct specified studies, issue reports, take various actions, and make certain determinations concerning the Stringfellow Quarry Class I Hazardous Waste Disposal Site. The bill would require the department to place the highest priority on taking removal and remedial actions at the Stringfellow site The bill would require the department to report to the Legislature if the department does not complete the actions, determinations, or reports required by this bill concerning the Stringfellow site by the specified dates The department would also be required to make the results of these actions, determinations, and reports available to the public.

(3) The bill would appropriate $26,000,000 from the Contingency Reserve for Economic Uncertainties as follows (a) $16,000,000 to the department for actions at the Stringfellow Acid Pits, (b) $1,400,000 to the department for water treatment systems at specified water companies; (c) $4,000,000 for transfer to the Emergency Clean Water Grant Fund specified in (1) above; (d) $3,600,000 to the State Water Resources Control Board to accelerate the cleanup of leaking underground storage tanks; and (e) $1,000,000 to the department to investigate the New River contamination and prepare a remedial action plan. The bill would require the department to submit an expenditure plan to the Legislature concerning the use of these funds at least 30 days before encumbering these funds The bill would require any unencumbered balance in excess of $5,000,000 in the Stringfellow Reserve Account on June 30, 1987, to revert to the General Fund.

(4) The bill would require the department to create a subaccount for site operation and maintenance of specified water treatment systems and to deposit sufficient funds for this purpose for 20 years.

(5) The bill would make a statement of legislative intent and would take effect immediately as an urgency statute.

Ch 1429 (SB 686) Marks Oil spills. cleanup.

(1) Existing law authorizes the Department of Fish and Game to clean up or abate the effects of deposits of petroleum or petroleum products in the waters of the state and to recover any costs incurred pursuant to a specified provision of the Harbors and Navigation Code from the person who negligently or intentionally causes or permits the deposit

This bill would authorize the department to clean up or abate the effects of any petroleum or petroleum product, as defined, deposited or discharged in any location onshore or offshore where it is likely to enter the waters of this state and where there is an imminent and substantial endangerment to human health or the environment and

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to order the responsible person to clean up or abate Since a violation of such an order would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime. The bill would specify the relationship between such an order of the department and a cleanup and abatement order of a regional water quality control board. The bill would expressly authorize the department to recover any costs incurred as a result of the cleanup or abatement from the responsible party, would require the deposit of this money in the Fish and Game Preservation Fund, and would delete reference to the specified provision of the Harbors and Navigation Code.

(2) The California Emergency Services Act authorizes the Governor to establish a state oil spill contingency plan implemented by state agencies, as specified in the plan, to provide for an integrated and effective state procedure to combat the results of major oil spills.

Under existing law, any person that intentionally or negligently causes or permits any oil to be deposited in state waters is, among other things, liable for the costs of cleanup to any governmental agency charged with the responsibility for cleaning up the deposit. That agency is required to notify, in writing, the appropriate regional water quality control board of the nature of the deposit and of the corrective action taken or contemplated.

This bill would require, in addition to performing contingency plan functions, any state agency responding to an oil spill, or any threat thereof, to so notify the regional board of the nature of the spill, or threat thereof

(3) The bill would require the department to make a specified report to the Legislature and the Governor by July 1, 1988

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

(5) The bill would appropriate $2,250,000 from the Fish and Game Preservation Fund to the department for expenditure during the 1986–87, 1987–88, and 1988–89 fiscal years, allocated for purposes related to oil spills, as specified, to be operative when and only if SB 959 is enacted and allocates at least $2,250,000 to the Fish and Game Preservation Fund

(6) The bill would incorporate additional changes in Section 5655 of the Fish and Game Code made by AB 1835, to be operative only if both this bill and AB 1835 are enacted and become effective on or before January 1, 1986, and this bill is enacted last The bill would also make additional conforming changes

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

Ch. 1430 (SB 163) Marks. *Pollution control privatization projects.*

Under existing law, public utilities, as defined, are subject to the jurisdiction and control of the Public Utilities Commission pursuant to the Public Utilities Act

This bill would require a privatizer, as defined, prior to signing an executed franchise, license, or service agreement with a local agency, as defined, to apply to the commission for a determination that a proposed privatization project, as defined, is not a public utility and is therefore exempt from commission regulation The bill would prescribe procedures and criteria for the making of that determination by the commission A privatization project would be defined, in relevant part, as any wastewater or sewerage project that is owned and operated by a corporation, partnership, or natural person pursuant to a franchise, license, or service agreement with a city, county, city and county, special district, or county service area

The bill would prescribe general procedures and requirements pursuant to which a local agency may authorize, grant, or enter into a franchise, license, or service agreement of that type The franchise, license, or service agreement would be required to be approved by an ordinance of the local agency, subject to referendum.

The bill would expressly include the Santa Ana Watershed Project Authority's Arlington Basin Groundwater Desalter Project as a privatization project subject to the provisions of the bill.

The bill would make legislative findings and declarations

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Ch. 1431 (SB 65) Torres. Education: school dropouts: educational clinics

(1) Existing law provides for various programs for school dropouts.

This bill would make various legislative findings regarding the problem of high school dropouts, and would express the legislative intent to establish publicly or privately operated nonsectarian educational clinics to provide educational and employment-related services to high school dropouts, as defined.

This bill would authorize the Superintendent of Public Instruction to certify private educational institutions upon approval of an application submitted by an applicant which demonstrates compliance with specified requirements. This bill would require the superintendent to notify each applicant of its certification status within 5 weeks after receipt of the completed application This bill would authorize the superintendent to certify educational clinics for a period of up to 3 years, subject to renewal upon the expiration of its certification

This bill would require each certified educational clinic, prior to beginning operation, to provide an opportunity to specified school districts or, alternatively, county superintendents of schools, to enter into a contractual agreement with the clinic for the provision of services to eligible high school dropouts. This bill would authorize the Superintendent of Public Instruction, from funds appropriated for that purpose, to reimburse school districts or county superintendents of schools for fees paid to educational clinics pursuant to these contracts. This bill would also authorize educational clinics to enter into contracts with the Superintendent of Public Instruction if it is unable to enter into agreements with school districts or county superintendents of schools in its service area.

This bill would specify that, notwithstanding any other provision of law, any certified educational clinic pupil, upon completion of an individual student program and the high school graduation requirements, shall be eligible to take the high school equivalency examination.

This bill would limit the maximum fee available for reimbursement for an initial diagnosis prepared by an educational clinic to an amount not to exceed $75. This bill would also limit the maximum fee for each instructional hour or fees for an additional diagnosis provided under contract to a rate not to exceed $5 per hour.

This bill would generally terminate the reimbursement received by a school district or county superintendent of schools for the attendance of a pupil after the pupil has attended the clinic for all or a portion of 75 instructional days. The bill would permit a school district or county superintendent of schools to petition the superintendent for continued reimbursement for an additional period not to exceed 60 days, as specified. An educational clinic contracting directly with the Superintendent of Public Instruction would also be authorized to petition for continued reimbursement under these provisions

This bill would specify that the attendance of a pupil at a certified educational clinic shall be deemed to satisfy the compulsory school attendance and the compulsory continuation school attendance requirements of specified provisions of current law

This bill would prohibit an educational clinic from charging any fee for services provided under this bill for which the clinic receives reimbursement to any pupil, or to the parent, guardian, or custodian of any pupil. This bill would specify that this bill shall not be construed to prohibit a certified educational clinic from accepting donations from private entities, including foundations, corporations, or individuals to supplement any other funds received by the educational clinic.

This bill would require the State Department of Education to annually inform public and private agencies operating in areas served by an educational clinic of the availability of these services.

This bill would require the Superintendent of Public Instruction to provide for the monitoring of the activities, procedures, and records of certified educational clinics. The bill would require that, to the extent feasible, monitoring activities be scheduled during the normal business hours of the educational clinic This bill would require the superintendent to adopt rules and regulations necessary to implement the requirements of this bill This bill would require the adopted rules and regulations of each certified educational clinic to authorize the State Department of Education and the Joint Legislative Budget Committee to conduct audits for the purpose of examining its financial records. This bill would also require the adopted rules and regulations to require that any fund

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balances remaining under a contract which has not been fully performed to be returned to the superintendent for reallocation without regard to fiscal year

This bill would require the State Department of Education to conduct evaluations relative to the costs and effectiveness of services provided by educational clinics in comparison to that made available by other programs for high school dropouts, as prescribed. This bill would require the department to submit a report to the Legislature and the Legislative Analyst regarding the results of these evaluations on or before January 1, 1989 This bill would require the Legislative Analyst to review and comment on the report not later than 90 days after its receipt This bill would specify that the provisions of this bill shall become inoperative on June 30, 1989, and, as of January 1, 1990, would repeal these provisions, unless a later enacted statute, which becomes effective on or before January 1, 1990, deletes or extends the dates on which it becomes inoperative and is repealed

(2) Existing law makes extensive provisions for the establishment of school-based program coordination activities to provide flexibility to schools and school districts to better coordinate categorical funds that they receive, as prescribed.

This bill would authorize school districts to establish and maintain school-based pupil motivation and maintenance improvement programs to improve the ability of schools to keep pupils in school and to reduce pupil absenteeism, truancy, tardiness, and school dropout rates, as prescribed.

This bill would require each school site council to develop a school plan for increasing the retention rate, as defined, of schools maintained by the district, with a special emphasis on the needs of high-risk pupils, as defined

This bill would require the State Board of Education to approve or disapprove these plans, based solely upon the determination of whether these plans are in compliance with the prescribed requirements for the submission of these plans and any applicable regulations prescribed by the board

This bill would require the Superintendent of Public Instruction to provide information and technical assistance helpful to schools in improving pupil motivation and maintenance programs This bill would require the superintendent to establish an information dissemination repository to be made available to school districts that shall include model programs, instructional strategies, and effective practices for working with high-risk pupils and increasing the retention power of schools and school dropout recovery programs.

This bill would require each school district that submits a plan to establish school-based motivation and maintenance improvement programs to include a description of the manner in which it will utilize outreach consultants. The bill would prescribe the qualifications of outreach consultants.

This bill would authorize school districts to establish alternative education and work centers for school dropouts at a continuation high school or adult school, as prescribed This bill would require the Superintendent of Public Instruction to publish guidelines to assist these programs, to train site personnel in the establishment and effective use of school dropout prevention and recovery programs, to establish within the State Department of Education, a clearinghouse for information regarding successful programs and strategies for the identification, prevention, and recovery of school dropouts, to disseminate information regarding these programs, and to monitor the quality and effectiveness of these programs, as prescribed

This bill would require the superintendent to submit 2 reports to the Legislature regarding the effectiveness of these programs. This bill would require the initial report to be submitted on or before January 1, 1988, and would require the final report to be submitted on or before January 1, 1989.

This bill would specify that each school district that establishes an alternative education and work center shall be eligible to receive a planning and development grant of up to $8,000, as prescribed. This bill would require the Superintendent of Public Instruction to submit a report to the Joint Legislative Budget Committee and the Department of Finance on or before March 1, 1986, regarding the use of these grants

This bill would repeal the provisions providing for alternative education and work centers on January 1, 1990.

(3) This bill would appropriate $3,125,000 to the State Department of Education for the 1985–86 fiscal year for allocation according to a schedule, as specified.

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(4) This bill would express the legislative intent that $12,650,000 shall be appropriated by the 1986 Budget Act to the Superintendent of Public Instruction for the 1986–87 fiscal year for allocation according to a schedule, as specified

Ch. 1432 (AB 1705) Robinson Bail

Existing law authorizes release of criminal defendants on bail, specified full deposits, or their own recognizance, and, until December 31, 1985, additionally provides in misdemeanor cases for a deposit of 10% of bail and for the imposition of conditions in connection with bail release; and provides various criteria and procedures for the release of defendants on bail or own recognizance.

Existing law provides criminal penalties for failure to appear after own recognizance release but not after bail release, where the bail is subject to forfeiture, and, until December 31, 1985, applies the criminal penalties to release of a person charged with a misdemeanor

Existing law requires the Office of Criminal Justice Planning, in consultation with the State Bar and the Judicial Council, to prepare and submit on or after January 1, 1984, and prior to December 31, 1985, a report to the Legislature concerning the impact of specified forms of release of criminal defendants

This bill would extend until January 1, 1989, the operation of the provisions relating to the release of criminal defendants on their own recognizance that would otherwise be in effect only until December 31, 1985 The bill would repeal the existing provisions relative to the making of a report to the Legislature

[Under existing law, a person charged with a felony who is released from custody on his or her own recognizance and who in order to evade the process of the court willfully fails to appear as required, is guilty of a felony, and is punishable by a fine not exceeding $10,000, or imprisonment, as specified

This bill would reduce the maximum fine in those cases to $5,000.]*

The bill would create a state-mandated local program by continuing in existence certain crimes and other specified duties on local agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1433 (AB 1681) Farr. Teaching credentials

Existing law prescribes various types of teaching credentials used by the Commission for Teacher Credentialing and the minimum requirements for each type of credential

This bill would require, commencing July 1, 1988, that the minimum requirements for a clear teaching credential shall also include satisfactory completion of computer education coursework which includes general and specialized skills in the use of computers in educational settings, in accordance with regulations established by the commission.

This bill would also authorize the Commission on Teacher Credentialing to develop and disseminate voluntary standards for the training and performance of teachers and resource personnel in the area of computer education, as defined

This bill would require the commission to study the effectiveness of the training and performance of teachers and resource personnel in the area of computer education and would require the commission to submit a report on the results of the study to the Legislature on or before December 31, 1987.

Ch. 1434 (AB 1909) Stirling Bird preservation

Under the California Environmental Protection Program, funds may be expended to support projects and programs of state and local agencies and other organizations which have a clearly defined benefit to the people of the state and have one or more specified purposes, including protection of nongame species and rare and endangered animals.

This bill would appropriate $150,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation for allocation on a 50-50 matching fund basis to the San Diego Association of Governments to develop and implement a program for recovery of the Least Bell's Vireo, habitat conservation plans, and a management project in the species' habitat area, as specified.

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Ch. 1435 (SB 59) Garamendi. Hazardous waste· California Pollution Control Financing Authority

(1) Under existing law relating to hazardous waste control, a biological process on the property of the producer treating oil in compliance with a permit issued pursuant to the Federal Water Pollution Control Act is exempted from regulation.

This bill would delete the exemption for biological processes regulated by the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended.

(2) Existing law provides, with respect to the transportation of hazardous waste, that documents required by state or federal agencies which describe the character and amount of hazardous waste being carried satisfy specified hazardous waste manifest requirements

This bill would repeal that provision.

(3) Existing law authorizes the California Pollution Control Financing Authority to approve financing, by specified means, of projects which prevent or reduce environmental pollution resulting from the disposal of solid or liquid waste from manufacturing, industry, commerce, or energy development

This bill would create the Hazardous Waste Reduction Incentive Account in the General Fund. The funds in the account would be available, upon appropriation by the Legislature in the annual Budget Act, to the authority for the purpose of contracting with qualified financial institutions or agencies, as specified, to provide support for the granting of credit so that the authority can provide financial assistance, as specified, for projects for the acquisition, construction, or installation of equipment to recycle or treat hazardous wastes The bill would allow the authority to expend up to $250,000 from the account for each project The bill would specify the requirements for a project which may be provided financial assistance and would authorize the authority to determine other project requirements, in consultation with the State Department of Health Services, the State Water Resources Control Board, and the State Air Resources Board

(4) The bill would transfer $2,600,000 from the General Fund to the Hazardous Waste Reduction Incentive Account, and would appropriate $2,600,000 from that account to the authority

(5) The bill would state legislative intent.

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

Ch. 1436 (AB 567) Connelly Public records· pesticides.

Existing law generally requires that public records be open to inspection at all times during the office hours of state and local agencies. Specified records are exempt from these disclosure requirements, including specified trade secrets. Existing law requires the Director of Food and Agriculture to determine if any data on pesticides submitted and designated by a registrant or applicant as a trade secret, as defined pursuant to federal law, is a properly designated trade secret, pursuant to a specified procedure

This bill would extend from 15 days to 30 days the time for a registrant or applicant to provide the director with justification and statement of the grounds on which the trade secret privilege is claimed. The bill would also extend the time the director has to determine whether the data is protected as a trade secret, if no justification and statement is filed, from within 30 days of the original notice to within 45 days of the original notice The bill would also require the director to provide notice to interested persons when an application for registration enters the registration evaluation process

Ch. 1437 (AB 1948) Wright. Public finance property tax revenue allocations.

Existing law requires prior to certain jurisdictional changes, as defined, becoming effective that the governing bodies of local agencies, as defined, whose service areas or service responsibilities would be altered by that change, agree, by resolution, to accept a negotiated exchange of property tax revenues

This bill would permit, commencing with the 1986–87 fiscal year, the exchange of property tax revenues between local agencies, with certain exceptions, in accordance with a specified procedure which, in part, requires the approval of the exchange by the board of supervisors and, if a city is affected by the exchange, the approval of the exchange by the city council.

This bill would provide that the above procedure applies only to exchanges affecting the Ventura Regional Sanitation District located in Ventura County It would make specified findings and declarations regarding the unique facts involved with respect to

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that district.

Under existing law, provision has been made for allocating property tax revenues to various entities of local government according to specified criteria.

This bill would allow, in certain instances, the prescribed allocation and apportionment formula to be adjusted, as specified, to account for the repeal of the business inventory exemption subvention, and, if certain conditions are met, would impose a state-mandated local program by requiring additional specified adjustments to be made in the allocation and apportionment formula for the 1985–86 fiscal year with respect to Los Angeles County only

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute

Ch 1438 (AB 964) Farr. Education California School Finance Authority

Existing law authorizes various entities to issue revenue bonds for various specific purposes

This bill would establish the California School Finance Authority, comprised as specified, and would authorize that authority to issue for sale and have outstanding revenue bonds in a total amount not to exceed $250,000,000 at any time, to reconstruct, remodel, or replace existing school buildings, to acquire new school sites and buildings to be made available to school districts, and to assist school districts by providing access to financing for working capital and capital improvements, as prescribed. This bill would prescribe the powers and duties of the authority

This bill would establish the California School Finance Authority Fund to be administered by the authority, and would provide that notwithstanding specified provisions of current law, all moneys in that fund shall be continuously appropriated without regard to fiscal year for the purposes of this bill The creation of this continuously appropriated fund, into which any moneys accruing to the authority pursuant to the provisions of the bill would mandatorily be deposited, would constitute an appropriation

Ch 1439 (AB 129) Hill. Hazardous Substance Cleanup Bond Act

Under existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000 and requires that these proceeds be deposited in the Hazardous Substance Cleanup Fund. Existing law also requires the State Department of Health Services to prepare and annually revise a site-specific plan of expenditures for hazardous substance removal and remedial actions paid for from this fund.

Existing law also imposes a tax upon the disposal of hazardous waste, and provides for the deposit of this money in the Hazardous Substance Account ("California Superfund") Within the account is the Hazardous Substance Clearing Account, in which is deposited any money appropriated by the Legislature for the payment of the principal of, and interest on, the bonds sold pursuant to the bond act of 1984. The money in the fund and the account may generally be expended, upon appropriation by the Legislature, to pay for the various costs of removal and remedial actions, related to the release of hazardous substances The department is required to publish and annually revise a priority ranking of sites for remedial action, and the funds appropriated to the department for remedial action are required to be expended in accordance with this ranking. The department is also prohibited from initiating a removal or remedial action if these actions are being taken properly, and in a timely fashion, by a responsible party

This bill would, commencing July 1, 1987, annually transfer $5,000,000 from the Hazardous Substance Account to the Hazardous Substance Clearing Account and would appropriate that amount from the account for the payment of the principal of, and interest on, these bonds, except that this appropriation would be reduced each year by the amounts recovered from parties liable for a hazardous substance release during the previous year

The bill would prohibit the expenditure of money from the account or the fund unless the department has issued a specified order for compliance or a removal or remedial

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action or has entered into an agreement with a potentially responsible party and the department determines in writing, pursuant to a specified procedure, that the responsible party has failed to comply with the order or agreement, except as specified. A responsible party who fails to comply with such an order or agreement, as determined by the department in writing, would be deemed to have failed to take action properly and in a timely fashion.

The bill would require the department to prepare 3 lists of hazardous substance release sites and would require that funds for remedial action be spent only on sites which have been characterized and for which there is no responsible party or the party is not in compliance with the department's order or agreement, except as specified. The bill would specify that, in recovering the costs of a cleanup paid from the Hazardous Substance Cleanup Fund, the amount paid from that fund, and the interest on that amount calculated at the rate equal to the interest rate of the bonds issued under the bond act, may be recovered

The bill would appropriate $87,791,000 from the fund to the department without regard to fiscal years for the purposes of carrying out the bond act, of which $34,341,000 would be for the costs incurred by the state or local agencies for removal and remedial actions and site characterization, $6,500,000 as needed at the Stringfellow Acid Pits, and $14,240,000 at other sites for the matching state share of a removal or remedial action conducted pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and $32,710,000 in reserve, for transfer to either of the 2 categories, pursuant to a specified procedure. The bill would specify conditions under which these funds may be expended The bill would provide that the transfer of funds among hazardous substance release sites or from the reserve category, pursuant to a specified procedure could not be made if both the policy committee of the Assembly designated by the Speaker of the Assembly and the policy committee of the Senate designated by the Senate Rules Committee disapproved the transfer The bill would require the department to update the expenditure plan for the bond funds to reflect changes in the priority ranking of sites and would require the State Director of Health Services to notify the Chairperson of the Joint Legislative Budget Committee, the chairperson of the policy committee of the Assembly designated by the Speaker of the Assembly, and the chairperson of the policy committee of the Senate designated by the Senate Rules Committee at least 30 days before adding new sites to the plan or changing the priority ranking of sites.

The bill would also authorize the department to use the bond proceeds to fund expenditures which commenced on or after January 1, 1985, and to use the authorization for the sale of these bonds as a basis for encumbering funds, as specified.

The bill would require that any funds in the Hazardous Substance Account which are unobligated and unencumbered as of June 30, 1985, remain available for encumbrance until June 30, 1986

The bill would take effect immediately as an urgency statute.

Ch 1440 (AB 1024) O'Connell Outer Continental Shelf Lands Act funds. appropriation. [14]

(1) 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 appropriate settlement funds received by the state pursuant to specified provisions of the Outer Continental Shelf Lands Act for allocation for prescribed provisions for specified purposes, in addition to the purposes specified below

(2) Existing law provides for various child care and development programs which are administered by the State Department of Education and the Superintendent of Public Instruction.

This bill would permit the governing board of any school district conducting instruction for students in any grade level up to the completion of junior high school to establish a program of affordably priced supervision for children before and after school. Programs would be initiated by a grant from the department in amounts of up to $4,000 for

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each program This bill also would provide that no one who desires to participate in the program shall be denied the opportunity to participate because of inability to pay the fee.

This bill would appropriate $1,000,000 from settlement funds received by the state pursuant to specified provisions of the Outer Continental Shelf Lands Act to the State Department of Education for the above purposes.

(3) The Child Care and Development Services Act provides for various types of child care and development programs.

This bill would provide that child care and development programs operated by, or in a facility owned by, a public entity, private nonprofit child care and development programs currently, or soon to be, under contract with the State Department of Education, as specified, and campus child care and development programs maintained by higher educational institutions shall be eligible to receive a loan, as specified, for the renovation and repair of the school facilities used for the program or to lease relocatable facilities to be used for the program The bill would appropriate $7,250,000 from settlement funds received by the state pursuant to specified provisions of the Outer Continental Shelf Lands Act to the State Child Care Capital Outlay Fund created by the bill All money in the Child Care Capital Outlay Fund would be continuously appropriated without regard to fiscal year for these purposes.

(4) Existing law requires the Superintendent of Public Instruction to annually apportion to each school district a specified amount per pupil enrolled in grades 9 through 12 in the district in the prior fiscal year for the purpose of purchasing instructional materials for the pupils enrolled in those grades

For the 1985–86 fiscal year only, in addition to those annual apportionments, this bill would require the superintendent to apportion 30% of the funds appropriated for that purpose by this bill so that each school district receives an equal amount per pupil enrolled in grades 9 through 12 in the district in the prior fiscal year for purposes of purchasing instructional materials, supplies, and equipment for use in science classes in those grade levels, and for the purpose of minor remodeling of buildings for science instruction in grades 9 through 12 The bill would prohibit the use of these funds to acquire any facility

This bill would authorize any school district that certifies to the superintendent that it has sufficient funds to provide instructional materials in the 1985–86 fiscal year for science course requirements for high school graduation to use the apportionment for the purchase of instructional materials in other subject areas for pupils in grades 9 through 12.

(5) Existing law requires school district governing boards to use the annual apportionment described in item (4) solely for the purchase of instructional materials for pupils in grades 9 through 12 in accordance with certain statutory provisions.

This bill would broaden the sole authorized use of that annual apportionment to include purchase of other materials, as defined Textbooks purchased with these funds would be limited to those adopted in accordance with specified statutory provisions.

Existing law requires the Controller to transfer from the General Fund to the State Instructional Materials Fund each fiscal year a specified amount per pupil in average daily attendance in the public elementary schools during the preceding fiscal year to fund the acquisition of instructional materials

This bill would appropriate $7,540,000 of the settlement funds to the State Instructional Materials Fund for the 1985–86 fiscal year, in addition to any other appropriations provided by the Budget Act of 1985

This bill would require 30% of these funds to be apportioned pursuant to item (4), and 70% to be used for the benefit of pupils in kindergarten and grades 1 through 8 in accordance with the general provisions governing the administration and encumbrance of the State Instructional Materials Fund

This bill would specify that these funds shall supplement, and shall not supplant or be supplanted by, any payments for public education made pursuant to the California State Lottery Act of 1984. The bill would also specify that these funds are a one-time allocation and shall not be considered an ongoing commitment for instructional materials funding.

(6) This bill would also authorize school districts and county offices of education with an average daily attendance of 2,501 or more, but less than 6,000, to apply on a one-time only basis to the State Department of Education for the purchase of transportation

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equipment, as prescribed This bill would require the department to adopt regulations regarding district and county office applications under these provisions. This bill would require the department to grant applications for apportionments, to the extent that funds are available, according to prescribed priorities. This bill would require these school districts and county offices to pay a percentage of the estimated cost of the purchase of new schoolbuses, based upon prescribed calculations

The bill would require the State Department of Education to develop priority categories for funding under this bill which are based solely on vehicle age and mileage This bill would require 75% of the funds available in any fiscal year for these purposes to be distributed to school districts and county offices based upon priority categories which utilize only vehicle age, mileage, and type of vehicle This bill would require 25% of these funds to be allocated based upon the condition of the vehicles replaced This bill would require school districts and county offices to submit evidence of the condition of vehicles, as prescribed

The bill would require the State Department of Education to estimate the cost of a replacement vehicle of the same capacity as the vehicle being replaced. This bill would specify that a school district's or county office's entitlement shall equal the department's estimated cost, less any contributions This bill would authorize school districts and county offices to use additional district or county office funds to purchase a schoolbus which is more expensive than the model used by the department to estimate the cost

The bill would appropriate $3,100,000 of the settlement funds to the State Department of Education for these purposes.

(7) Existing law creates the County Health Facilities Sinking Fund and requires the Controller to transfer to that fund various amounts

This bill would rename the County Health Facilities Sinking Fund the County Health Facilities Financing Assistance Fund and would require the Controller to transfer to the fund $10,000,000 out of any amounts received from a specified settlement under the Outer Continental Shelf Lands Act. By adding funds to this continuously appropriated fund, this would constitute an appropriation.

(8) Existing law generally requires that moneys in the County Health Facilities Sinking Fund be utilized to fund 50% of the amortization costs of projects approved by the California Health Facilities Authority and requires any interest earned on the investment of moneys in the fund to be utilized to amortize loans for certain county health facilities.

This bill would delete the requirement that moneys in the fund be utilized for that purpose. The bill would require the authority to utilize the interest earned on the investment of moneys in the fund to provide specified types of assistance to counties to pay the debt service on loans for, or otherwise assist in the financing of, those county health facilities or, under certain circumstances, for health facilities owned or operated by a local hospital district

(9) Under existing law, the Abandoned Railroad Account is created in the State Transportation Fund The money in the account is available for the acquisition of certain abandoned railroad rights-of-way which may be developed for public transportation uses.

This bill would require the California Transportation Commission to make advances of available funds from the Transportation Planning and Development Account in the State Transportation Fund to cities, counties, transit operators, or the Department of Transportation for the purchase of abandoned railroad lines. The bill would prescribe procedures for the submission and evaluation of applications in accordance with specified criteria, and would require the commission to annually adopt a priority list for advances of funds The bill would require the advances to be repaid with interest, as specified, within 3 years. The bill would appropriate $6,500,000 of the settlement funds for these purposes.

(10) Existing law does not provide for an allocation of state funds to the County of Sacramento for the purpose of providing an appropriate physical plant and equipment for the county's mental health treatment program.

This bill would appropriate $4,300,000 plus prescribed interest, from the federal settlement funds received by the state pursuant to specified provisions of the Outer Continental Shelf Lands Act, to the State Department of Mental Health for allocation to the County of Sacramento for the purpose of providing an appropriate physical plant and

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equipment for the county's mental health program The bill would establish priorities for the use of these funds and would specify authorized uses for the funds. It would require that the maximum amount of the total allocation be verified by state audit following payment of all contracts.

The bill would require the department to enter into an agreement with the county to assure that facilities constructed and remodeled under the allocation made by the bill are used for the purpose of mental health treatment and services and would require that the agreement include specified requirements.

The bill would require, with certain exceptions that any unused funds be deposited in the General Fund after July 1, 1992.

(11) The provisions of the bill would not become operative until SB 300 of the 1985–86 Regular Session of the Legislature is enacted.

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

Ch. 1441 (AB 363) Grisham. Adult education: English as a second language programs. [15]

Existing law authorizes school districts to provide adult education courses, including adult education programs in English as a second language, as prescribed.

This bill would appropriate $1,500,000 to Section A of the State School Fund for allocation to school districts in the 1985–86 fiscal year for the purpose of funding extraordinary needs in adult education programs in English as a second language This bill would specify that this appropriation shall be made only for the 1985–86 fiscal year as an emergency augmentation of the funds appropriated for that purpose by the Budget Act for the 1985–86 fiscal year and be available for expenditure in the 1985–86 and 1986–87 fiscal years This bill would specify that adult average daily attendance funded under this act shall be excluded from the average daily attendance used for computing school districts' adult block entitlements computed pursuant to Section 52616 of the Education Code.

This bill would require the Superintendent of Public Instruction to identify districts having extraordinary needs as specified and to give priority for allocation of the funds to certain districts. However, the superintendent would be authorized to waive these requirements and to distribute the funds to an applicant school district under certain circumstances.

This bill would specify that funds allocated under this bill shall be used only for local assistance in augmentation of the amount appropriated under specified budget items of the Budget Act for the 1985–86 fiscal year.

This bill would appropriate $300,000 to Section B of the State School Fund for allocation to community college districts in the 1985–86 fiscal year for the purpose of funding extraordinary needs in adult education programs in English as a second language. This bill would specify that funds allocated under this bill shall be in augmentation of funds appropriated under specified budget items of the Budget Act for the 1985–86 fiscal year and be available for expenditure in the 1985–86 and 1986–87 fiscal years This bill would require these funds to be allocated only for growth in average daily attendance for these programs in excess of the amount appropriated for growth in average daily attendance by the Budget Act for the 1985–86 fiscal year. This bill would prescribe eligibility requirements for community college districts which only provide adult education programs under the terms of an agreement with school districts.

This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984.

This bill would require eligible community college districts to submit applications for funding allocations to the Chancellor of the California Community Colleges. This bill would require the chancellor to allocate funds based on certain information.

Ch. 1442 (AB 1527) Peace Fish and game.

(1) Under existing law, the Department of Fish and Game is authorized to designate waters and areas in which vacuum or suction dredges may be used under a permit issued

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by the department to designate waters which are closed to the use of those dredges. The use of dredges without a permit or in violation of permit conditions is a misdemeanor

This bill would make the possession of a vacuum or suction dredge in areas, or in or within 100 yards of waters, which are closed to the use of vacuum or suction dredges unlawful.

(2) The California Constitution authorizes the Legislature to delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has generally delegated to the commission the power to regulate the taking or possession of fish, as specified, except the taking, possession, and processing of fish for commercial purposes. Existing law also authorizes the use of powered equipment of design prescribed by the commission to take crustaceans and mollusks for commercial purposes under a permit issued by the department and under the regulations of the commission

This bill would delegate to the commission the regulation of the taking of freshwater clams for commercial purposes. The bill would also make technical corrections to the provisions regarding powered equipment

(3) Existing law defines prawns or shrimp for purposes of regulating their taking for commercial purposes. Under that law, any species taken incidentally in a trawl net while the trawl net is being used to take prawns or shrimp are required to be immediately released

This bill would add a specified species to the bay shrimp subject to that regulation and would delete the requirement for immediate release of other species taken incidentally with a trawl net being used to take prawns or shrimp

(4) Under existing law, the use of drift and set gill and trammel nets is regulated in specified areas and districts for use in taking specified fish for commercial purposes.

Existing law also authorizes the commission to regulate the commercial taking of herring under a specified permit, to limit the number of those permits, and the amount taken under the permits. A violation of the regulations is a misdemeanor.

This bill would repeal the separate restrictions on use of drift gill nets in Districts 11, 12, and 13. The bill would, instead, authorize the use of gill nets in those districts to take only herring, as specified. The bill would prohibit possession of a gill net on any boat in those districts, except by persons possessing a valid permit to take herring during the open season established by the commission The bill would increase the penalties for first convictions, as specified, and would make a second conviction an alternative felony or misdemeanor with specified penalties

The bill would also authorize the use of set gill nets in a specified part of District 21 to take mullet under a permit issued by the department and under regulations of the department The bill would limit the number of those permits to 5 for each annual season.

(5) Under existing law, any buoy used to mark a trap which is used under a general trap permit or a crab trap is required to be clearly and distinctively marked with one of several possible identification numbers, as applicable

This bill would require, on and after April 1, 1987, that the identification number be the commercial license number issued to the operator of the trap.

(6) Existing law authorizes taking killifish for commercial purposes in killifish traps in specified districts and, incidentally with that taking, to take mudsuckers; all other species taken in such a trap are required to be immediately released. Existing law also authorizes the taking of shiner perch or staghorn sculpin, or both, for commercial purposes in perch traps in specified districts and, incidentally with that taking, to take mudsuckers; all other species taken in those traps are required to be immediately released. Existing law describes the maximum dimensions and openings in those traps

This bill would revise and recast those provisions to authorize the taking of killifish, mudsuckers, and yellowfin gobies only for commercial purposes with bait traps in specified tidewaters of specified districts, in the Salton Sea, and in specified counties. The bill would also, instead, authorize taking shiner perch, staghorn sculpin, mudsuckers, and yellowfin gobies only for commercial purposes with baitfish traps in specified districts and in tidewaters of other specified districts The bill would require that any unauthorized species taken incidentally in baitfish traps in the specified districts be immediately released, and it would specify the maximum dimensions and openings in baitfish traps

(7) The bill would also authorize carp and crayfish to be taken for commercial pur-

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poses with traps under specified conditions.

(8) Under existing law, the department is required to commence proceedings in the superior court for forfeiture of seized nets

This bill would instead authorize the department to commence those proceedings.

(9) Existing law requires the department to maintain a cost accounting system for each activity or program in which the department is engaged In establishing appropriate programs or activities for the accounting system, the department is required to give consideration to specified programs and activities.

This bill would change the specified programs and activities which the department is required to consider, as specified.

(10) Existing law requires the department to prepare and submit to the Legislature quarterly reports of its costs, as specified

This bill would require the quarterly reports to contain the fiscal year costs to date and deletes the designation of the committees to which the report must be submitted.

(11) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Preservation Fund to the department and the commission.

Because this bill would make the moneys available for a new purpose, it would constitute an appropriation

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

Violations of the Fish and Game Code and regulations adopted thereunder are misdemeanors

This bill would impose a state-mandated local program by creating and changing the definition of crimes and changing the punishment for crimes.

The bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1443 (AB 1176) Calderon Victims' legal resource center.

Existing law requires local law enforcement agencies to provide victims of crimes with information and assistance regarding programs for victims and rights of victims

This bill would require the Office of Criminal Justice Planning to grant an award to an appropriate private, nonprofit organization to provide a statewide resource center. The resource center would, generally, be required to operate a statewide, toll-free information service, consisting of legal and other information, for crime victims The center would be required to provide information and promotional materials discussing victims' rights and to distribute these materials to certain persons and entities The bill would also require the Office of Criminal Justice Planning to contract with a public or private entity for purposes of evaluating the resource center program.

The bill would appropriate $200,000 from the General Fund to the Office of Criminal Justice Planning for purposes of this act, but would prohibit the office from using more than 10% of the amount appropriated for administrative expenses

Ch. 1444 (AB 2102) Allen Child day care facilities

Existing law exempts specified facilities from provisions concerning the licensing of child day care centers and family day care centers.

This bill would provide that extended day care centers operating on functioning school sites shall not be required to meet specified requirements for child day care centers

This bill would require the State Department of Social Services, when exempting an extended day care program at a public or private school from licensure, as specified, to allow additional children to be served at that school site, so long as they are 4 years and 9 months of age or older, and the number of additional children, including dependent children living within the same household as the child attending that school, does not exceed 15% of the total enrollment in the extended day care program. The bill also would provide that the enrollment of the extended day care program shall not exceed the enrollment during the regular schoolday

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Ch. 1445 (AB 1596) Agnos Homeless youth pilot projects.

Existing law contains various public social service programs to assist qualified low-income persons.

This bill would enact the Homeless Youth Act of 1985.

The bill would provide that the Office of Criminal Justice Planning shall enter into grant award agreements with 2 private nonprofit organizations with demonstrated success in the delivery of direct services to homeless youth for the establishment of the homeless youth emergency service pilot projects. The projects would commence not later than June 1, 1986, and remain in operation for a period of 2 years, except that the 2nd year of operation would be contingent upon the appropriation of funds by the Legislature One project to be located in, and serve, the City and County of San Francisco, and the other to be located in, and serve, Los Angeles County

The bill would specify various services which shall be provided by these pilot projects

The bill would provide that the office shall monitor these pilot projects, and that an evaluation of these projects shall be submitted by the office to the Legislature by December 1, 1988.

The bill would appropriate $968,000 from the General Fund to the Office of Criminal Justice Planning, in order to implement the bill, as specified

This bill would repeal its provisions on January 1, 1989.

Ch 1446 (SB 1225) Keene Sales and use taxation commercial advertisements

The existing California Sales and Use Tax Law and Bradley-Burns Uniform Local Sales and Use Tax Law authorize the State Board of Equalization to regard any salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, or employers under whom they operate or from whom they obtain the tangible personal property sold by them, regardless of whether they are making sales on their own behalf or on the behalf of the dealers, distributors, supervisors, or employers. Pursuant to this authority, the board may regard the dealers, distributors, supervisors, or employers as retailers for purposes of these laws

This bill would require that any broadcaster, printer, outdoor advertising firm, advertising distributor, or publisher which broadcasts, publishes or displays, or distributes paid commercial advertising in this state which is intended to be disseminated primarily to consumers located in this state, and is only secondarily disseminated to bordering jurisdictions, including advertising in a California edition or section of a national publication, be regarded, for purposes of these laws only, as the agent of the person or entity placing the advertisement. It would require that the person or entity placing the advertisement be regarded as the retailer for purposes of these laws. It would provide that the agency created by these laws is for the sole purpose of providing a presence in California for the imposition of a tax on out-of-state advertisers or sellers It also would specify that the agent shall have no responsibility to report, or liability to pay, any tax imposed under these laws and shall not be restricted by their provisions from accepting ads from out-of-state advertisers or sellers.

Ch 1447 (SB 1036) Montoya Postsecondary education accreditation

Existing law prohibits private postsecondary educational institutions from awarding academic or honorary degrees unless the institutions comply with specified standards

This bill would authorize an institution incorporated in another state that has accreditation from a regional accrediting association recognized by the United States Department of Education at the time of the issuance of a degree, and that is approved by the Superintendent of Public Instruction pursuant to the provisions of this bill, to issue degrees, diplomas, or certificates

This bill would prescribe the qualifications for licensure of private postsecondary educational institutions, increasing the licensing fee revenues paid to the Private Postsecondary Education Administration Fund, a continuously appropriated fund, and would thus constitute an appropriation

This bill would take effect immediately as an urgency statute

Ch 1448 (SB 897) Campbell Outdoor advertising highways

Existing provisions of the Outdoor Advertising Act regulate advertising displays adjacent to highways Under the act, which is administered by the Director of Transportation, a message center display which advertises the business conducted or services rendered or goods produced or sold upon the property upon which the display is placed,

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is exempt from all provisions of the act, except provisions governing licenses and imposing regulations.

This bill would provide a 10-year exemption from specified display restrictions by providing that advertising displays advertising those businesses and activities developed within the boundary limits of, or as part of, an individual redevelopment agency project may, with the consent of the redevelopment agency governing the project, be considered to be on premises anywhere within the limits of the project, as specified. The 10-year period could be extended by arrangement between the redevelopment agency and the Department of Transportation for good cause.

The bill would, until January 1, 1987, authorize the director, upon the recommendation of the Department of the California Highway Patrol, to authorize the use of existing permitted message center displays or other on-premises displays, on an individual basis, for highway safety appeals. The director would be authorized to develop and adopt regulations by executive order which establish standards for the highway safety appeals, as specified.

Ch. 1449 (AB 1140) Bronzan. County Health Facilities Financing Assistance Fund.

(1) Existing law creates the County Health Facilities Sinking Fund and requires the Controller to transfer to that fund various amounts.

This bill would rename the County Health Facilities Sinking Fund the County Health Facilities Financing Assistance Fund and would require the Controller to transfer to the fund $25,000,000 out of any amounts received from a specified settlement under the Outer Continental Shelf Lands Act. By adding funds to this continuously appropriated fund, this would constitute an appropriation

(2) Existing law generally requires that moneys in the County Health Facilities Sinking Fund be utilized to fund 50% of the amortization costs of projects approved by the California Health Facilities Authority and requires any interest earned on the investment of moneys in the fund to be utilized to amortize loans for certain county health facilities.

This bill would delete the requirement that moneys in the fund be utilized for that purpose. The bill would require the authority to utilize the interest earned on the investment of moneys in the fund to provide specified types of assistance to counties to pay the debt service on loans for, or otherwise assist in the financing of, those county health facilities or, under certain circumstances, for health facilities owned or operated by a local hospital district.

(3) This bill would incorporate certain changes to Section 15463 of the Government Code proposed by AB 104, which will only become operative if AB 104 is chaptered and this bill is chaptered last.

Ch. 1450 (AB 1808) Harris. Courts holidays.

(1) Under existing law, no court other than the Supreme Court or a court of appeal may transact judicial business on a state holiday, except for specified purposes.

This bill would provide, instead, that on and after January 1, 1989, (a) all courts shall be closed on judicial holidays, except for specified purposes; (b) officers and employees of the courts shall observe only judicial holidays; and (c) the judicial holidays are the days specified by law as state holidays, except that the Judicial Council may specify an alternate date for holidays falling on a Saturday or Sunday. The bill would require the Judicial Council, prior to January 31, 1986, to designate the alternate days for observance of judicial holidays which fall on a Saturday or Sunday The bill would impose a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law provides that the board of supervisors of any county may alter the date of specified state holidays applicable to the superior, municipal, and justice courts in that county, except as specified.

This bill would delete those provisions operative January 1, 1989

(3) Existing law specifies the business hours of the Clerk of the Supreme Court

This bill would delete that provision.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates

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Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1451 (SB 1332) Presley. California Coastal Commission. [16]

Under the California Coastal Act of 1976, the California Coastal Commission has primary responsibility for implementation of the act and is authorized to exercise all powers in the Federal Coastal Zone Management Act of 1972, as amended. The Budget Act of 1985 appropriates $2,000,000 to the commission for its support, payable from the Federal Trust Fund.

This bill would reduce that appropriation to $1,360,000, specify that the appropriation is from funds disbursed pursuant to the federal act, and require the allocation of the money among the commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy in specified amounts, thereby making an appropriation. The bill would appropriate $640,000 to the commission from federal funds disbursed pursuant to the federal act to be used by the commission for its support and support of the San Francisco Bay Conservation and Development Commission and by the commission and the State Coastal Conservancy for local assistance.

Ch 1452 (AB 48) Vicencia. Judicial arbitration. [17]

(1) Existing law provides for the repeal of the provisions establishing the judicial arbitration program on January 1, 1986, unless that date is extended or deleted by later legislation.

This bill would repeal the repealer, extending the judicial arbitration program indefinitely, and thereby imposing a state-mandated local program

(2) The bill would appropriate to the Controller for allocation and disbursement for such purposes $2,000,000 for the 1985–86 fiscal year and $4,000,000, annually, for each fiscal year thereafter.

Ch. 1453 (SB 674) Nielsen. Water resources: flood control. [18]

(1) Under existing law, the Department of Water Resources is not expressly directed to study the Sacramento River and Feather River and their tributaries north of Sacramento.

This bill would direct the department to conduct studies of the Sacramento River and the Feather River and their tributaries north of Sacramento, including watershed hydrologic inventories and other specified matters, and to submit the results of its studies and its recommendations to the Legislature

(2) The Budget Act of 1985 appropriates $2,000,000 to the department for the Sacramento-San Joaquin River Bank Protection Program.

This bill would authorize the department to use up to $400,000 of that amount for an alternative bank protection demonstration project in the vicinity of Woodson Bridge on the Sacramento River.

The bill would also appropriate $2,200,000 from the contingency reserve for economic uncertainties established within the General Fund by the Budget Act of 1985 to the department for the acquisition and installation of an Automated Local Evaluation in Real Time flood warning system in locations to be determined by the department, and for specified purposes for assistance to local agencies in preventing further wildfire-induced damage during the 1985–86 flood season.

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

Ch. 1454 (AB 2262) Vasconcellos. Community colleges· fees

Existing law requires the governing board of each community college district to charge each student a specified fee per semester or per credit semester unit, and

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exempts certain students from those fees.

This bill would also authorize, operative July 1, 1986, a district to exempt school district pupils admitted to a community college for advanced scholastic or vocational work as a special part-time student from the fees

This bill would incorporate additional changes in Section 72252 of the Education Code, proposed by AB 979, to be operative only if this bill and AB 979 are both chaptered and become effective on or before January 1, 1986, and this bill is chaptered last. These changes would become operative on the effective date of AB 979

Ch. 1455 (SB 127) Robbins. Driver education and training alcohol and drug abuse and child passenger seat restraint systems. [19]

(1) Existing law specifies the courses of study in grades 7 through 12, including automobile driver education. Existing law does not require an alcohol and drug education program in the public schools.

This bill would include among the subjects required to be taught in automobile driver education the dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle

The bill would also require the State Department of Education to assemble, coordinate, and make available to the public schools and to private driving schools, upon request, for their use in driver education programs, any relevant programs, materials, and information prepared or compiled by the Governor's Intergovernmental Advisory Committee on Alcohol, Drugs, and Traffic Safety The bill would require the Superintendent of Public Instruction, when funds for this purpose are appropriated from the Driver Training Penalty Assessment Fund, to allow to each school district maintaining a high school, county superintendents of schools, and the Department of the Youth Authority not to exceed $1 per pupil instructed in driver training during the preceding fiscal year, and would require that at least half of these funds be used for the purchase of related instructional materials or for related in-service training for teachers, or both.

(2) Under existing law, the money in the First Offender Program Evaluation Fund, upon appropriation, may only be expended to evaluate first offender programs and to administer the fund.

This bill would authorize the money, upon appropriation, to also be expended for educational programs relating to alcohol, drugs, or other substances abuse

(3) Existing law authorizes the Director of Motor Vehicles to prescribe rules and regulations for driving schools regarding the conduct of driver training.

This bill would require these rules and regulations to require the curriculum of these courses to include information on the dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle

(4) Existing law requires every parent or legal guardian to provide and to use a child passenger restraint system or available seat belts for each child under 4 years or weighing less than 40 pounds while transported in a passenger vehicle or light truck, as specified, specifying the punishment for a violation of this requirement and authorizing the court to dismiss the charge upon proof that a child passenger restraint system has been obtained.

This bill would authorize the court, in lieu of the specified fine or dismissal upon proof of obtaining a child passenger restraint system, to order a person found guilty of violating this requirement to attend a program providing education in the use of child passenger restraint systems.

(5) The bill would state the intent of the Legislature in enacting these provisions

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would, by imposing additional curriculum requirements for grades 7 through 12, impose a state-mandated local program.

The bill would, however, provide that no reimbursement shall be made from the State

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Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any 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 appropriate $262,750 from the First Offender Program Evaluation Fund to the department for allocation, as specified, to carry out the duties specified in (1) above

Ch. 1456 (SB 726) McCorquodale Political Reform Act campaign statements

Under the Political Reform Act of 1974, any local government which has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures is required to file a copy of the action with the Fair Political Practices Commission.

This bill would provide that, notwithstanding this provision, no local government agency shall enact any ordinance imposing filing requirements which are in addition to, or different from, those set forth in the act unless the additional or different requirements apply only to candidates or committees being voted on only in that jurisdiction.

Under the Political Reform Act, candidates, committees, and elected officers are required to file specified periodic statements and reports.

This bill would renumber and revise these provisions, as specified.

Under the Political Reform Act, a person who makes contributions totaling $10,000 or more in a calendar year is a committee and is required to file specified statements.

This bill would provide that these committees are not required to file preelection statements

This bill would also provide that these committees are not required to file semiannual statements for any 6-month period in which they have not made contributions.

Under the Political Reform Act, a person who makes an independent expenditure totaling $500 or more in a calendar year is a committee and is required to file specified statements.

This bill would provide that these committees are not required to file preelection statements unless they have engaged in reportable activities during the preelection reporting period

Under the Political Reform Act, a "late contribution," defined as a contribution which totals in the aggregate $1,000 or more and is made before the date of the election but after the closing date of the last campaign statement, is required to be reported by mailgram, telegram, or personal delivery within 48 hours of the time it is made in the case of a candidate or committee, or received in the case of the recipient However, a late contribution need not be reported if it is returned to the donor within 48 hours of receipt.

This bill would reduce these time periods from 48 hours to 24 hours

Under the Political Reform Act, a "late independent expenditure" is defined as any independent expenditure which totals in the aggregate $1,000 or more and is made before the date of the election but after the closing date of the last campaign statements and is required to be reported by mailgram, telegram, or personal delivery within 48 hours of the time it is made

This bill would reduce this time period from 48 hours to 24 hours.

This bill would incorporate changes to Section 84200 of the Government Code proposed by SB 1250, to be operative only if both bills are enacted and this bill is enacted last.

This bill would incorporate language which is necessary to add Section 84200.5 to the Government Code proposed by SB 1250, to be operative only if both bills are enacted and this bill is enacted last

This bill would incorporate changes to Section 84215 of the Government Code proposed by SB 1250, to be operative only if both bills are enacted and this bill is enacted last.

This bill would incorporate changes to Section 90002 of the Government Code proposed by SB 659, to be operative only if both bills are enacted and this bill is enacted

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Ch. 1457 (SB 1394) Beverly. Schools: school safety.

(1) Under current law, there are no provisions which establish an interagency school safety demonstration program to specifically address the problems of school crime, vandalism, truancy, and excessive absenteeism.

This bill would establish the Interagency School Safety Demonstration Act of 1985 designed to encourage school districts, county offices of education, and law enforcement agencies to develop and implement interagency strategies, programs, and activities which will improve school attendance and reduce the rates of school crime and vandalism.

This bill would establish the School Safety Partnership, comprised of the Superintendent of Public Instruction, and the Attorney General, and would require the partnership to establish for the 1985-86 and 1986-87 school years 30 interagency safe school model programs This bill would require the partnership to select program participants from applications submitted by school districts and county offices of education 15 elementary school districts; 7 high school districts; and 8 unified school districts or county offices of education, or any combination of unified school districts and county offices, to participate in the model program. This bill would specify that the term "school districts," as used in this bill, shall be construed to include county offices of education. This bill would require the superintendent to ensure that approved model program applicants are broadly representative of the geographic and ethnic diversity of the state. This bill would specify that the project period for approved model programs shall be from January 1, 1986, to June 30, 1987. This bill would require that applications for model programs be jointly submitted by applicant school districts and the appropriate law enforcement agencies for that applicant to address specified school safety topics. This bill would require the partnership to establish selection criteria for model programs, as prescribed This bill would also require the partnership to adopt guidelines for the funding of approved model programs in accordance with prescribed reimbursement requirements. This bill would require each approved model program to submit an end-of-project report to the partnership describing the success of the model program in achieving the objectives identified in the program's application.

This bill would require the partnership to make available to school districts, county offices of education, and law enforcement agencies, at least 4 regional conferences to identify exemplary programs and techniques which effectively have been utilized by public schools to reduce school crime, vandalism, truancy, and excessive absenteeism. This bill would require each regional conference to address specified topics.

This bill would require the partnership to establish a statewide interagency school safety cadre for the purpose of facilitating interagency coordination among school districts, county offices of education, and law enforcement agencies to reduce school violence and vandalism, reduce truancy rates, improve school attendance, and encourage good citizenship. This bill would authorize the partnership to appoint up to 50 professionals from education and law enforcement to each regional team for the 1985-86 fiscal year, and up to additional 50 representatives in the 1986-87 fiscal year. This bill would authorize the partnership to provide training to the statewide cadre representatives to enable them to initiate and maintain interagency school safety programs among school districts, county offices of education, and law enforcement agencies in each region

This bill would require the partnership to undertake an interim evaluation of the Interagency School Safety Demonstration Act of 1985, commencing January 1, 1987, and to submit a report to the Legislature which shall also be made available for public inspection on or before March 30, 1987, as prescribed. This bill would require the partnership to submit a final report to the Legislature on or before January 1, 1988, which shall include specific recommendations regarding the methods and means through which interagency model programs may be replicated and disseminated on a statewide basis.

(2) Existing law authorizes the Superintendent of Public Instruction to establish pilot programs for attendance accounting and reporting for the 1980–81 school year, and exempts participating school districts from specified attendance accounting and reporting requirements of current law.

This bill would authorize the superintendent to authorize 30 schools in 28 school

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districts to continue to use the attendance accounting and reporting procedures prescribed under specified provisions of current law for the 1985–86 school year through the 1988–89 school year, and would exempt participating school districts from the attendance accounting and reporting procedures required under existing law. This bill would prohibit any school district, subsequent to the 1982–83 school year, from being eligible to receive a revenue limit increase pursuant to specified provisions of current law

(3) This bill would appropriate $325,000 from the General Fund to the Superintendent of Public Instruction for purposes of implementing the provisions of this bill for the 1985–86 fiscal year.

(4) This bill would specify that funds appropriated for the purposes of this bill are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984.

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

Ch. 1458 (AB 2177) Clute. Community colleges: data.

This bill states the Legislature's acknowledgment that proper evaluation of the activities, outputs, and finances of California's community colleges is dependent upon readily usable data and that currently available data is inadequate. The bill would direct the Chancellor of the California Community Colleges to take specified action to remedy this problem.

This bill would appropriate $360,000 to the Chancellor of the California Community Colleges for purposes of the bill.

Ch. 1459 (SB 172) Maddy. Personal income tax: charitable deduction.

Under the Personal Income Tax Law, a deduction is allowed for direct charitable deductions allowed under federal income tax law, but this deduction under the state law is available only for charitable contributions made before January 1, 1987.

This bill would extend the availability of this deduction to contributions made prior to January 1, 1990, but only if federal income tax law is revised to extend the availability of the federal deduction to contributions made after December 31, 1986, in which case the deduction provided by the bill would be applicable as provided by federal income tax law, subject to the bill's limitation regarding contributions made prior to January 1, 1990.

This bill would incorporate the amendments to Section 17240 of the Revenue and Taxation Code which are proposed by AB 66 or AB 2091 or both of those bills if either or both bills are chaptered and this bill is chaptered last.

The bill would take effect immediately as a tax levy.

Ch. 1460 (AB 1386) Agnos. Aging: designation of contributions on income tax returns.

Existing provisions of the Personal Income Tax Law allow taxpayers for the 1983, 1984, and 1985 taxable years to designate on their tax returns that a contribution in excess of their tax liability, if any, be made to the California Seniors' Fund.

This bill would rename that fund the "California Fund for Senior Citizens" and would extend for an indefinite period of time the authority of taxpayers to designate contributions to the fund on their tax returns.

Existing provisions of the Revenue and Taxation Code continuously appropriate the moneys in the California Seniors' Fund. Because this bill would increase the moneys in the fund by extending the period within which contributions to the fund may be made, it would constitute an appropriation.

This bill would also incorporate the changes in Section 18510 of the Revenue and Taxation Code which are proposed by AB 47, to become operative only if both AB 47 and this bill are chaptered and this bill is chaptered last

Ch. 1461 (AB 66) Hannigan Income taxes: bank and corporation taxes.

(1) The Tax Reform Act of 1984 (Public Law 98-369) and certain other federal acts enacted by Congress in 1984 made various changes in the federal income tax provisions.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, various provisions of the federal Internal Revenue Code of 1954 as enacted as of a specified date are referenced in various sections of the Revenue and Taxation Code.

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Existing law provides that for taxable years beginning on or after January 1, 1984, the specified date of those referenced Internal Revenue Code sections is January 1, 1984.

Existing law provides that for any introduced bill which proposes changes in any of those dates, the Franchise Tax Board shall prepare a complete analysis of the bill which describes all changes to state law which will automatically occur by reference to federal law as of the changed date. It further requires the Franchise Tax Board to immediately update and supplement that analysis upon any amendment to the bill, and requires that analysis to be made available to the public and to be submitted to the Legislature for publication in the Daily Journal of each house of the Legislature.

This bill would change the specified date of those referenced Internal Revenue Code sections to January 1, 1985, for taxable years beginning on or after January 1, 1985

This bill would revise various provisions of, and add to and repeal various provisions of, the Personal Income Tax Law and the Bank and Corporation Tax Law to conform them, in part, to certain changes in the federal law made by the Tax Reform Act of 1984 and other 1984 and 1985 federal enactments.

(2) Under both the state and federal income tax laws, a tax credit is allowed for certain employment-related expenses. For state income tax purposes, the federal provisions are applicable except for certain differences, such as in the applicable percentage of the qualifying expenses, the maximum dollar amount of the credit, and the procedure for reducing the credit when adjusted gross income exceeds a specified amount.

This bill would eliminate all of those differences and would limit the amount of the state credit to 10% of the allowable federal credit if the taxpayer's adjusted gross income is $20,000 or less, or to 5% of the allowable federal credit if the taxpayer's adjusted gross income exceeds $20,000

(3) Existing Personal Income Tax Law provides a $40 nonrefundable special tax credit for single persons or married persons filing separate personal income tax returns whose adjusted gross income is $5,000 or less and whose total income, as defined, is $10,000 or less, or a credit of $80 for heads of household, surviving spouses, or married couples filing joint returns whose adjusted gross income is $10,000 or less and whose total income is $20,000 or less. The credit is reduced by $0 50 for each $1 of adjusted gross income in excess of $5,000 or $10,000, as applicable

This bill would substitute for the above credit a nonrefundable low-income tax credit computed as a percentage of net tax, as defined, of single persons, married persons filing separate returns, and heads of household whose adjusted gross income does not exceed $8,850 and of married couples filing joint returns and surviving spouses whose adjusted gross income does not exceed $17,700. The applicable credit percentage decreases in relation to the increase in the adjusted gross income of the taxpayer above the levels of $5,450 and $10,900, respectively

(4) Under the existing Personal Income Tax Law, up to $1,000 of military pension and retirement pay is excluded from gross income in computing those taxes. It also excludes up to $1,000 of salary, wages, bonuses, allowances, and other compensation received for military service on other than extended active duty. These exclusions are subject to a reduction based on the taxpayers's adjusted gross income, so that the $1,000 exclusion is reduced by $0 50 for each $1 a taxpayer's adjusted gross income exceeds $15,000

This bill would change that reduction, so that the $1,000 exclusion is reduced $0.50 for each $1 a taxpayer's adjusted gross income exceeds $25,000

This bill would also entitle an individual 65 years of age or over by the end of the taxable year to exclude up to $1,000 of income per annum that is subject to certain limitations, including the same reduction referred to in the preceding paragraph.

(5) The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for depreciation by employers of certain facilities for children over a period of 60 months, using the straight line method and no salvage value Those provisions apply to facilities certified by the State Department of Education as being used for public children's centers, day care, or preschool programs.

This bill would instead make those provisions apply to facilities licensed pursuant to the California Child Day Care Facilities Act and other specified statutes

(6) This bill would make various technical changes to the state income tax laws

(7) This bill would incorporate the amendments to Section 17063 of the Revenue and Taxation Code which are proposed by AB 742 if both bills are chaptered and this bill is chaptered last.

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This bill would incorporate the amendments to Section 17240 of the Revenue and Taxation Code which are proposed by SB 172 or AB 2091 or both of those bills if either or both bills are chaptered and this bill is chaptered last

This bill would incorporate the amendments to Section 17272 of the Revenue and Taxation Code which are proposed by AB 742 or SB 1070 or both of those bills if either or both bills are chaptered and this bill is chaptered last

(8) This bill would take effect immediately as a tax levy

Ch. 1462 (AB 1843) Nolan Personal income taxation. bank and corporation taxation· deductions, credits, and exclusions.

(1) Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law permit various exclusions, credits, and deductions in computing tax liability under these laws in connection with business activities and employment in program areas and enterprise zones established pursuant to the Employment and Economic Incentive Act and the Enterprise Zone Act, respectively

This bill would modify or delete certain of these exclusions, credits, and deductions as follows:

(A) Make the credit for sales tax paid or incurred for the purchase of qualified property, as defined, applicable to taxpayers engaged in a trade or business within an enterprise zone, as well as to qualified businesses in a program area, and expand the definition of qualified property.

(B) Revise the credit for qualified wages paid to qualified disadvantaged individuals hired to perform services in an enterprise zone by modifying the definition of qualified disadvantaged individuals and by reducing the amount of the credit by the amount of the credit allowed the taxpayer under specified state and federal tax credits for the employment of certain targeted employees

(C) Make the credit for qualified wages paid to qualified employees hired in a program area a percentage of qualified wages paid in lieu of a specified dollar amount, define "qualified wages," and provide for the adjustment of the taxpayer's income for years in which the credit is allowed in the event of the taxpayer's termination of employment of qualified employees within a prescribed period.

(D) Eliminate the maximum dollar limitation on the credit allowed to a qualified employee in connection with the receipt of qualified wages for employment in an enterprise zone and revise the method for computing the maximum credit available in any taxable year.

(E) Eliminate the exclusions from the gross income of taxpayers of the amounts received from investments in a qualified business in a program area or in a development or project in an enterprise zone

(F) Revise the deduction relating to the accelerated depreciation of the cost of specified recovery property placed in service by the taxpayer for use in a trade or business conducted in an enterprise zone by substituting therefor a deduction relating to the expensing of that property and by providing for the inclusion in income of amounts so deducted with respect to property which ceases to be so used within a prescribed period after it is placed in service

(G) Revise the deduction relating to the expensing of a portion of the cost of specified property placed in service for use as an integral part of a qualified business within a program area by increasing the aggregate cost which may be expensed and by providing for the inclusion in income of amounts deducted with respect to property which ceases to be so used within a prescribed period after it is placed in service

(H) Increase the carryover of a net operating loss for taxpayers conducting a qualified business within a program area from 3 years to 15 years

(2) Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law provide for adjustments to the basis of property with regard to amounts allowed as deductions as deferred expenses for ore or mineral exploration.

This bill would make the foregoing basis adjustment provisions applicable to amounts deducted in connection with the expensing of property referred to above in (F) and (G) of (1)

(3) This bill would also allow taxpayers to deduct the amount of net interest received in the payment of indebtedness of a qualified business in a program area or of an individual or entity engaged in the conduct of a trade or business located in an enterprise

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zone, provided certain requirements are met.

(4) This bill would take effect immediately as a tax levy.

Ch. 1463 (AB 617) Kelley. Fish and game: revenues and funding.

(1) Existing law establishes the fees for various hunting and sportfishing and sport ocean fishing licenses, stamps, permits, and tags and for licenses and permits for taking or possession of certain wildlife and other activities relating to fish and game Existing law also provides for the increase of some of those fees based upon a specified inflationary factor. The fees are deposited in the Fish and Game Preservation Fund, which is continuously appropriated. Existing law also provides for a license year coincident with the calendar year for sportfishing licenses

This bill, until July 1, 1987, or until January 1, 1987, as specified, would increase various license and permit fees and hunting and sportfishing and sport ocean fishing license fees and would make some of those fees subject to the inflationary factor. By increasing the moneys deposited in the fund, the bill would make an appropriation.

(2) Existing law declares legislative intent that there be an annual appropriation from the General Fund and sources other than the Fish and Game Preservation Fund to the Department of Fish and Game to cover the costs of nongame fish and wildlife programs and free hunting and fishing license programs. Existing law requires the Department of Finance to include in the Governor's Budget sufficient moneys from the General Fund to pay these costs. In addition, annual adjustments in specified hunting and fishing license fees are required, dependent on the department's needs as affected by changing costs, and the Department of Finance is required to annually determine a factor, as specified, based on that change.

This bill would declare legislative intent that the costs of special repairs and capital outlay be provided for by an annual appropriation from the General Fund and sources other than the Fish and Game Preservation Fund. The bill would require that the proportionate share of these costs be included in the computation of General Fund and sources other than Fish and Game Preservation Fund moneys to be included in the Governor's Budget for the Department of Fish and Game The bill would revise the elements used by the Department of Finance in determining the annual factor, but would preclude the use of that factor for the annual adjustment in hunting, sportfishing, and sport ocean fishing license fees if there is a substantial increase, as defined, in the aggregate of hunting and sportfishing programs.

The bill would also prohibit the Department of Finance from including in the Governor's Budget any appropriation from the Fish and Game Preservation Fund for programs or projects not expressly found to relate to the protection and propagation of fish and game, as specified, and the bill would require, in any study of Department of Fish and Game programs or projects, a specified finding.

(3) The bill would require the Department of Fish and Game to consult with the Department of Finance and the commercial fishing industry to determine appropriate increases in commercial fishing fees and indexing measures needed to accommodate future fluctuations in inflation and to report its findings to the Legislature by July 1, 1986. The bill would require any license or fee established by the bill for a fixed amount for the 1986 calendar year or the 1986–87 fiscal year to be adjusted for the 1987 calendar year or the 1987–88 fiscal year, as specified.

(4) The bill would also make technical, nonsubstantive changes.

(5) The bill would also include additional changes to Section 5653 of the Food and Agricultural Code made by AB 1527 if both bills are enacted and this bill is enacted last.

(6) The bill would provide that, if both this bill and AB 2436 are passed by the Legislature before September 13, 1985, the above provisions of this bill would become operative only if AB 2436 is enacted.

(7) The bill would appropriate $1,152,000 from the General Fund to the Fish and Game Preservation Fund, a continuously appropriated fund, as an augmentation to the hunting and fishing license revenues.

Ch. 1464 (AB 2568) Elder. Long Beach tidelands: unit agreements.

Under existing law governing the Long Beach tidelands, any unit or unit operating agreement is subject to the prior approval of the State Lands Commission in accordance with prescribed requirements.

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This bill would permit the State Lands Commission, upon any revision of tract assignments where an increased allocation of hydrocarbon substances is assigned to Tract 1 or Tract 2 of the Long Beach unit, to accept retroactive adjustment repayments from not less than 10% of the hydrocarbon substances allocated to any overage tract from which these adjustments are required to be made, upon making a specified finding.

The bill would take effect immediately as an urgency statute

Ch. 1465 (AB 1311) Leonard. Hazardous materials. transportation study

Under existing law, the regulation of railroads and highway carriers is generally committed to the Public Utilities Commission. Under existing law, licenses for highway transportation of hazardous materials are issued by the Department of the California Highway Patrol, which also conducts inspections of vehicles used in that transportation. Under existing law, haulers of hazardous waste are required to be registered with the State Department of Health Services.

This bill would require the Department of Transportation to compile all existing studies regarding highway and rail transportation of hazardous materials, as specified, would require the Public Utilities Commission and the Department of the California Highway Patrol to assist in this compilation, and would require the Department of Transportation to report thereon with its findings to the Legislature on or before September 1, 1986

Ch. 1466 (AB 1061) Bader School facilities State School Lease-Purchase Law of 1976

(1) Under existing law, the State Allocation Board is required to provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of the district's application for construction of school facilities.

This bill would provide that for purposes of determining the area of adequate school construction existing in an applicant school district, all portable classrooms, whether owned or leased, are to be included, with specified exceptions.

(2) Existing law authorizes the State Allocation Board to adopt rules establishing priorities for the acquisition and leasing of classrooms to schools whose pupils will benefit most

This bill would provide that, if more portable classrooms are available than those required by the applicant districts, as determined by specified standards, the State Allocation Board may authorize additional portable classrooms to be placed in any school district that agrees to hire an additional teacher for each additional portable classroom placed in the district

(3) Existing law provides that no portable classrooms shall be made available to any school district unless the district furnishes satisfactory evidence that it has no available bond proceeds that could be used for the purchase of classroom facilities.

This bill would provide that a school district or county superintendent of schools that has received approval for a project that includes a justified number of new teaching stations, as specified, shall be eligible for at least the same number of emergency portable classrooms as approved new teaching stations

(4) Under existing law, the State Allocation Board is required, from time to time, to solicit bids from, and award to, the lowest responsible competitive bidder, contracts for the construction or purchase of only the number of portable classrooms that have been approved for lease to eligible school districts and county superintendents of schools.

This bill would eliminate that requirement, and, instead, authorize the State Allocation Board from time to time to solicit bids from, and award to, the lowest responsible competitive bidder, contracts for the construction or purchase of the number of portable classrooms that it deems will be required by districts and county superintendents of schools during the next 12 months.

(5) Existing law requires school districts to make nonuse payments to the state with respect to school sites not used for school purposes for a specified number of years.

This bill would exempt any school district from nonuse payments for any year with respect to a school site used by the State Allocation Board, by agreement with the district, for the storage of emergency portable classrooms.

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Ch. 1467 (AB 2409) Filante. Floating homes.

(1) Under existing law, manufactured homes, mobilehomes, and commercial coaches are subject to annual registration with the Department of Housing and Community Development, unless they are subject to local property taxation and are not installed on a specified foundation system. They are also subject to registration fees and taxes by the state. Manufactured homes and mobilehomes subject to local property taxation and not installed on a specified foundation system are subject to registration by the department only at the time of sale, resale, or transfer of title. Floating homes, as defined, are presently subject to local property taxation as realty and are not subject to registration by the department.

This bill would permit floating homes to continue being subject to local property taxes as real property, but would require that they be registered and titled by the department at the time of sale, resale, or transfer of title. The registration fees and taxes on floating homes will be placed in a continuously appropriated fund, which would make this bill an appropriation bill. The bill would make related and conforming changes. Since an existing provision of law would make violation of these new requirements a misdemeanor, this bill creates a state-mandated local program.

(2) Under existing law, floating homes are assessed as real property for purposes of property taxation. A "floating home" is defined, among other things, as a floating structure which is designed and built as a stationary waterborne residential building and which is designed not to have a mode of power of its own.

This bill would change the definition of "floating home" to include structures which are modified to be used as waterborne residential structures and would delete the requirement that they be designed not to have a mode of power of their own.

(3) The bill would also add "floating home" to various provisions relating to mobilehomes and manufactured housing contained in the Mobilehomes-Manufactured Housing Act of 1980, as specified. These changes would impose a state-mandated local program since a violation of these provisions would be a misdemeanor

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

(5) This bill would make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code

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

Ch. 1468 (AB 1461) Felando Environmental protection: City of Rancho Palos Verdes grant

Under existing law, the Budget Act of 1985 appropriates moneys received from a specified settlement pursuant to the Outer Continental Shelf Lands Act from the Federal Trust Fund, as first priority, for certain purposes

This bill would appropriate from amounts received from that settlement, as second priority, $2,000,000 from the fund to the Controller for transfer to the City of Rancho Palos Verdes, upon the request of the city, for costs associated with stabilizing the Portuguese Bend landslide on the Palos Verdes Peninsula, as specified. The bill would authorize the Controller to retain up to 2% for administrative costs.

The bill would also provide that neither the state, nor any office or employee of the state, shall incur any liability for any injury resulting from any activity using funds allocated under the bill solely on the basis the funds were provided by the state under the bill

Ch. 1469 (AB 2407) Filante Hazardous substances

Under existing law, any person who has suffered losses proximately caused by the release of a hazardous substance is authorized to file a claim with the State Board of Control for compensation for 100% of uninsured, out-of-pocket medical expenses and 80% of any uninsured lost wages or business income which does not exceed $15,000 per year for 3 years. Claims approved by the board are required to be paid from ~~the Hazardous Substance Compensation Account in~~* the Hazardous Substance Account in the General Fund in accordance with specified limitations.

This bill would authorize any person who has suffered losses proximately caused by the release of a hazardous substance to also file a claim with the board for uninsured,

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out-of-pocket expenses, subject to specified maximums, for remedial action on the claimant's property because of a release of a hazardous substance if the property is an owner-occupied single-family residence, the remedial action was ordered by federal, state, or local authorities, and the ~~department~~ [State Department of Health Services]* makes a specified determination concerning the origin of the hazardous substance release. The payment would be made from the Hazardous Substance ~~Compensation~~* Account, thereby constituting an appropriation.

The bill would incorporate changes made by AB 651 which would become operative only if both bills are enacted and this bill is enacted last.

Ch. 1470 (SB 51) Seymour. State Instructional Materials Fund.

(1) Existing law requires the Superintendent of Public Instruction to annually apportion to each school district a specified amount per pupil enrolled in grades 9 through 12 in the district in the prior fiscal year for the purpose of purchasing instructional materials for the pupils enrolled in those grades.

For the 1985–86 fiscal year, in addition to those annual apportionments, this bill would require the superintendent to apportion 30% of the funds appropriated by this bill so that each school district receives an equal amount per pupil enrolled in grades 9 through 12 in the district in the prior fiscal year for purposes of purchasing instructional materials, supplies, and equipment for use in science classes in those grade levels, and for the purpose of minor remodeling of buildings for science instruction in grades 9 through 12. The bill would prohibit the use of these funds to acquire any facility.

This bill would authorize any school district that certifies to the superintendent that it has sufficient funds to provide instructional materials in the 1985–86 fiscal year for science course requirements for high school graduation to use the apportionment for the purchase of instructional materials in other subject areas for pupils in grades 9 through 12

(2) Existing law requires school district governing boards to use the annual apportionment described in item (1) solely for the purchase of instructional materials for pupils in grades 9 through 12 in accordance with certain statutory provisions.

This bill would broaden the sole authorized use of that annual apportionment to include purchase of other materials, as defined Textbooks purchased with these funds would be limited to those adopted in accordance with specified statutory provisions.

Existing law requires the Controller to transfer from the General Fund to the State Instructional Materials Fund each fiscal year a specified amount per pupil in average daily attendance in the public elementary schools during the preceding fiscal year to fund the acquisition of instructional materials

This bill would appropriate $7,540,000 from the settlement funds received by the state pursuant to Section 8(g) of the Outer Continental Shelf Act (43 U.S.C. Sec. 1337(g), to the State Instructional Materials Fund for the 1985–86 fiscal year, in addition to any other appropriations provided by the Budget Act of 1985.

This bill would require 30% of these funds to be apportioned pursuant to item (1), and 70% to be used for the benefit of pupils in kindergarten and grades 1 through 8 in accordance with the general provisions governing the administration and encumbrance of the State Instructional Materials Fund.

This bill would specify that these funds shall supplement, and shall not supplant or be supplanted by, any payments for public education made pursuant to the California State Lottery Act of 1984.

Ch. 1471 (SB 28) Seymour. Stepparents Day.

Existing law requires the Governor to proclaim various days of the year as days to give attention to certain persons or events

This bill would require the Governor to annually proclaim the first Sunday in October as "Stepparents Day."

This bill would take effect immediately as an urgency statute.

Ch. 1472 (SB 518) Davis. Criminal procedure

Existing law authorizes the dismissal of an accusation or information against a defendant convicted of a crime and his or her release from penalties and disabilities connected therewith, as specified, under certain circumstances.

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This bill would provide that at least 15 days' notice of the petition for relief must be given to the prosecuting attorney before the relief may be granted. This bill would require the probation officer to notify the prosecuting attorney when a defendant has filed a petition for relief, thereby imposing a state-mandated local program.

This bill would also provide that if proof of service is filed with the court, it would be presumed that the prosecuting attorney has received notice.

The bill would provide that if the prosecuting attorney fails to appear and object to a petition for dismissal, the prosecuting attorney may not move to set aside or otherwise appeal the grant of that petition.

The bill also would make technical changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1473 (SB 874) McCorquodale. Children's treatment services.

Under existing law, the State Department of Social Services administers licensure of various categories of community care facilities which provide nonmedical residential care, adult day care, or homefinding agency services for children and adults.

This bill would add to community care facilities the categories of "day treatment facility" and "community treatment facility" as defined, relating to nonmedical treatment or social rehabilitation services for children and mental health treatment services for children, respectively.

Existing law requires the State Department of Mental Health to establish standards for certain residential treatment programs and social rehabilitation facilities and requires a public comment period on adoption of the regulations for those programs and facilities to commence not later than November 1, 1985.

This bill would require the department to establish by regulation program standards for community treatment facilities and would require a public comment period commencing no later than January 1, 1987.

This bill would incorporate additional changes in Section 1502 of the Health and Safety Code proposed by SB 185 and AB 1926, which would become operative, as specified, only if either or both of those bills and this bill are chaptered, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by revising the standards regulating certain community care facilities which may include facilities operated by local agencies.

This bill would provide that no appropriation is made for a specified reason

Ch. 1474 (SB 888) Seymour. Crimes. registration of sex offenders.

Existing law requires sex offenders, including persons who have been convicted of committing certain acts of rape, and acts of solicitation to engage in or engaging in lewd or dissolute conduct in public places, within 14 days of coming into any county, city, or city and county in which the person resides or is temporarily domiciled for that length of time, to register with the chief of police of the city in which the person resides or the sheriff of the county if he or she resides in an unincorporated area. Failure to properly register is a misdemeanor. Any person convicted of specified crimes who violates the registration provisions is required to serve not less than 90 days in county jail

This bill would delete the acts of lewd or dissolute conduct from the above, but it would include certain other acts of rape and certain other sexual acts, including rape, done in concert with another person by force or violence either personally or by aiding or abetting the other person, within the category of offenses which must be reported to local law officials and for which failure to properly register constitutes a misdemeanor. It also would include additional acts of rape within the specified crimes conviction of which, in connection with failure to register, requires a minimum 90-day jail sentence.

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It thus creates state-mandated local programs by increasing the level of service required of local government under an existing program and by changing the definition of existing crimes

This bill would revise the duties of various officials, including local officials, concerning certain forms relating to the discharge, parole, or release of persons required to register as sex offenders, thus establishing a state-mandated local program.

The bill would provide that the registration requirement also is applicable to a person discharged or paroled from the Youth Authority on or after January 1, 1986, who was adjudged a ward of the juvenile court on the basis of commission of any of certain sexually related offenses, thus establishing a state-mandated local program by expanding the category of persons to which a criminal penalty is applicable On January 1, 1988, the registration requirement would be deleted as to one of those offenses. The bill would provide that the registration requirement would terminate upon the person's attainment of the age of 25 and would provide for the destruction of the registration information, as specified

The bill also would require the Department of Justice to conduct a specified study on the registration of sex offenders, contingent upon the appropriation of funds therefor, as specified It also would require the Department of Justice to conduct a study of the effectiveness of, and the justification for, the inclusion of a certain offense among the crimes for which a person committed to the Youth Authority by the juvenile court must register as a sex offender

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill also would provide that no reimbursement is required by this act for a specified reason.

Ch. 1475 (SB 923) Seymour. Driving offenses.

(1) Under existing law, a person convicted of driving under the influence of an alcoholic beverage or a drug, or both, with an excessive blood-alcohol concentration, or when addicted to a drug is required to be sentenced to specified imprisonment and fines. The court may suspend execution of the sentence and grant the person probation. However, if probation is granted, the court is required to impose specified conditions of probation, including minimum times of imprisonment for repeat offenders. The Cobey Work Furlough Law provides for work or education release and confinement, when not employed, at a work furlough confinement facility. Other provisions permit work release on the basis of 10 hours of labor on the public works and ways, as defined, for each day of confinement

This bill would, for repeat offenders, as specified and in addition to other specified requirements, excepting third or subsequent offenders who cause bodily injury to another person, require the person be imprisoned, as defined, for at least one period of 48 consecutive hours or serve 10 days' community service as part of any term of imprisonment imposed by the court. Excepting credit for time in custody prior to commencement of sentence, as specified, the bill would prohibit the court or a person to whom the person is remanded for execution of sentence from releasing or permitting the release of a person from the requirements of the bill which increase the incarceration period or the minimum work release alternative for those offenses, thereby, imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch 1476 (SB 955) Robbins Mortgage guaranty insurance

Existing law, with respect to an application for mortgage guaranty insurance, does not require that recovery under a policy of mortgage guaranty insurance be allowed even though the application contains misrepresentations and incorrect statements

This bill would provide that misrepresentations and incorrect or incomplete statements in any such application, negotiations, and all documents relating thereto shall not prevent a recovery under a policy of mortgage guaranty insurance unless fraudulent, material to the acceptance of the risk or to the hazard assumed by the insurer, or the insurer would not have issued the policy or extended a specific amount of coverage if the true facts had been known

Ch 1477 (SB 992) Montoya Employment agencies

(1) Existing law requires an employment counseling service, as defined, to be licensed as an employment agency.

This bill would provide an exception from the definition of an employment counseling service for a provider of vocational rehabilitation, as specified, and for any public educational institution

(2) Existing law, effective January 1, 1985, changed the name of the Bureau of Employment Agencies to the Bureau of Personnel Services and requires any person operating a nurses' registry to be licensed as an employment agency.

This bill would make technical, conforming changes in provisions of existing law relating to the bureau and to nurses' registries

(2.5) Existing law requires an employment counseling service to be licensed as an employment agency pursuant to the Employment Agency Act and defines an employment counseling service as any business which, among other things, provides psychological testing for a fee

This bill would delete the reference to psychological testing from the definition of an employment counseling service

(3) Existing law exempts from the Employment Agency Act certain specified nonprofit organizations

This bill would delete those exemptions.

(4) Existing law requires an employment agency and an employment counseling service to deposit a bond as a condition of licensure.

This bill would exempt from the bonding requirement, any employment counseling service which does not receive any prepayment for services and which provides services on an hourly basis, with no financial obligation required of the consumer beyond the hourly fee for services rendered

(5) Existing law requires every employment agency to use as a part of its licensed name, either the designation "agency" or "personnel service."

This bill would exempt nurses' registries and employment counseling services from that requirement.

(6) Existing law requires every employment agency to give each applicant for employment from whom a fee or deposit is received a contract or receipt, as specified. The law exempts employer-retained agencies and employment counseling services from that requirement.

This would also exempt nurses' registries, prepaid computer agencies, and job listing services from that requirement

(7) Existing law requires every contract for employment counseling services to be in writing and requires 2 copies of the contract to be given to the customer.

This bill would require that only one copy of the contract be given to the customer and would exempt any employment counseling service which does not receive any prepayment for services and which provides services on an hourly basis, with no financial obligation required of the consumer beyond the hourly fee for services rendered

(8) Existing law requires a prepaid computer employment agency to provide a person who seeks employment by paying a fee to the agency for a list of employment opportunities or job openings, with a written contract prior to the acceptance of a fee from the jobseeker. The law exempts from this requirement any person seeking the services of the agency by telephone from a distance of more than 50 miles from the office of the agency when the agency charges a fee to the credit card of the jobseeker; provided the agency provides specified information to the jobseeker no later than the next business day

This bill would delete the provision allowing for the charging for services provided

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by telephoning without having a written contract

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

Ch 1478 (SB 1019) Doolittle Game: offenses penalties

(1) Under existing law, a hunting license and, for certain species, license tags or license stamps, are required to permit a person to take game mammals or birds, and the bag limit, periods, and places where birds and game mammals may be taken are prescribed Violations of the provisions of the Fish and Game Code or the regulations adopted pursuant to it are, generally, misdemeanors with prescribed penalties.

This bill would impose a state-mandated local program by changing the penalties, as prescribed, for taking game mammals or birds without a hunting license, required license tags, or license stamps or during seasons, above limits, at times, or in areas which are prohibited

The bill would expressly authorize the court to dismiss the charge if the person produces in court the required license, license tags, or stamps issued to the person and valid at the time of the person's arrest and if the taking was otherwise lawful, as specified

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1479 (SB 1106) B. Greene Employment discrimination.

Existing law provides that any employee who believes he or she has been discharged or otherwise discriminated against by any person because the employee has filed a complaint or claim or instituted proceedings relating to rights which are under the jurisdiction of the Labor Commissioner may, within 30 days, file a complaint with the Labor Commissioner The complaint will be investigated by the Division of Labor Standards Enforcement, which may bring an action in court against the person who committed the violation.

This bill would instead provide that the complaint shall be investigated by a discrimination complaint investigator who shall prepare and submit a report to the Labor Commissioner, who may hold an investigative hearing if necessary. If the Labor Commissioner determines a violation has occurred, he or she shall direct the respondent to cease and desist from the violation, and would be required to bring an action promptly against the respondent if he or she does not comply within 10 working days.

This bill would also require that the discrimination complaint investigator be designated or appointed within 60 days after the effective date of this bill, and receive all necessary training

This bill would require the Labor Commissioner to submit a report to the Legislature by February 15, 1987, and annually thereafter on February 15, providing specified information with respect to discrimination complaints for the previous calendar year

Existing law requires the Division of Occupational Safety and Health to keep complete and accurate records of any complaints that a place of employment is not safe or is injurious to the welfare of any employee.

This bill would additionally require that these records of the division include the dates on which any action was taken on the complaint, or the reasons for not taking any action on the complaint

Ch 1480 (SB 1116) Hart. Ventura County-CERL· alternative retirement plan

The County Employees Retirement Law of 1937 presently contains various alternative benefits provisions which may be selected by various counties.

This bill would authorize Ventura County to elect, as specified, to be subject to Retirement Plan 3, an alternative, noncontributory plan and this new authorization would impose state-reimbursable state-mandated local negotiating costs, since its exercise would be subject to negotiation under existing law relating to local employer-employee relations The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000

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statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1481 (SB 1127) Carpenter. Real estate brokers. loan transactions.

(1) Under existing law, real estate brokers intending or reasonably expecting to negotiate, during a 12-month period, 20 or more loans secured by real property or business opportunities, or sales or exchanges of real property sales contracts or promissory notes secured by real property or business opportunities, and which are reasonably expected to exceed $2,000,000 in the aggregate, are required to (a) make specified reports to the Department of Real Estate, (b) submit specified advertisements to the department for approval, and (c) deliver prescribed disclosure statements to lenders.

This bill would make these requirements applicable to real estate brokers who intend or reasonably expect during a 12-month period to make at least $500,000 of collections for owners of real property sales contracts, owners of notes secured by real property, or both. Since willful violation of these provisions would be a misdemeanor, this bill would impose a state-mandated local program by expanding the scope of an existing crime. The bill would make conforming related changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1482 (SB 1179) Bergeson. Child nutrition.

(1) Under existing law, the State Department of Education is required to reimburse schools from the State Child Nutrition Fund for certain costs incurred in serving meals to specified students pursuant to authorized school meal programs, as specified

Existing law specifies that for purposes of provisions relating to meals for needy pupils, a nutritionally adequate breakfast or lunch is one that qualifies for reimbursement under the federal child nutrition program regulations.

This bill would specify that a nutritionally adequate lunch is one that meets ⅓ of the daily allowance established by the National Research Council.

This bill would authorize school food authorities participating in a federal nutrition program to be reimbursed during the period from January 1, 1986, to June 30, 1986, an additional 20¢ for breakfast or snack, 20¢ for lunch, or 40¢ for a morning supplement. The bill would provide that if the sum appropriated for that purpose is not sufficient to make these allowances, the allowances shall be reduced proportionately. This bill would specify that this rate shall be in addition to reimbursement provided under specified provisions of current law This bill would prescribe the minimum nutritional requirements to be provided under this program, and would specify that these additional funds shall be used exclusively to supplement meals served pursuant to specified provisions of current law.

This bill would specify that pregnant or lactating students shall qualify for nutrition program supplements under this bill upon submission of written certification from their physician that they are pregnant or lactating. This bill would require these statements to be strictly confidential in accordance with the requirements of specified provisions of current law.

This bill would require the State Department of Education to make allowances to school food authorities for nutrition supplement programs for pregnant or lactating students from the General Fund on at least a quarterly basis. This bill would also prescribe the method by which the department shall make cost-of-living adjustments to reflect changes in the cost of operating school breakfast and lunch programs

The bill would require that those child nutrition programs maintain a data base as specified by the Superintendent of Public Instruction for purposes of program evaluation The bill also would authorize an amount not to exceed 5% of the funds appropriated by the bill to be used for administrative costs incurred in the collection of the data.

(2) This bill would appropriate $300,000 from the General Fund for reimbursement to school districts providing nutrition supplement programs for pregnant or lactating students under this bill

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Ch. 1483 (SB 1208) Hart. Student financial aid. Assumption Program of Loans for Education

Existing law establishes the California Teacher Shortage Loan Assumption Program.

This bill would repeal the provisions governing that program The bill would establish in its place the Assumption Program of Loans for Education. Among other things, the program would authorize the issuance of a conditional warrant for the assumption of student financial aid loans of applicants who are students with outstanding ability, or who agree to participate in specified training or to complete specified coursework in a designated subject matter shortage area. Applicants would also be required to meet certain other eligibility criteria.

Applicants who receive warrants to obtain a teaching credential or supplementary authorization in a designated subject matter shortage area would be required to provide instruction in that area, except as specified.

~~For purposes of the loan assumption program, the bill would credit teaching service by program participants in schools that serve large populations of students from low/ income families, as designated by the Superintendent of Public Instruction, as specified, as well as teaching service by program participants in critical shortage subject matter fields.~~*

This bill would specify that, of the total assumptions per year awarded to program participants in the first category of applicants at each participating institution, 60% shall be awarded to applicants who agree to obtain a teaching credential in subject areas designated as current or projected shortage areas by the Superintendent of Public Instruction, while 40% shall be awarded to applicants who agree to obtain teaching credentials in any subject area and to provide classroom instruction in schools that serve large populations of pupils from low-income families

This bill would require the Student Aid Commission to issue warrants for the assumption of up to 500 student loans, beginning no later than the 1986–87 school year, and each school year thereafter, for program participants, subject to state funding.

This bill would also require the commission to distribute student applications to participate in the loan assumption program to postsecondary institutions eligible to participate in state and federal financial aid programs and that offer approved programs of teacher preparation. The bill would specify that the number of students enrolled in a postsecondary institution who may participate in the loan assumption program shall be, proportionate to the number of teaching candidates from that institution who were fully credentialed during the previous year.

This bill would require each participating institution to sign an institutional agreement with the commission, certifying the intent of the institution with regard to certain matters pertaining to the administration of the loan assumption program.

This bill would also direct the commission to report annually to the Legislature regarding the status of the program, as specified.

This bill would require the Superintendent of Public Instruction to furnish the commission with specified information required for the implementation of the loan assumption program.

This bill would provide that loan assumptions awarded under the California Teacher Shortage Loan Assumption Program prior to the effective date of the bill shall continue to be governed by the terms specified in the provisions governing that program prior to that date

This bill would take effect immediately as an urgency statute

Ch 1484 (SB 1231) Maddy Cosmetology.

Existing law provides for the licensure and regulation of cosmetologists, electrologists, manicurists, and cosmeticians, and provides that unlicensed practice is a misdemeanor.

This bill would revise those provisions by (1) requiring, rather than permitting, one of the examinations for licensure to be held in each of 4 specified cities, and by appropriating $146,553 from the Board of Cosmetology's contingent fund for the purposes of this examination requirement; (2) providing that the art of cosmetology includes the massaging, cleansing, treating, or beautifying of the feet of any person; (3) specifying what out-of-state training qualifies an applicant for licensure as an electrologist, and revising the in-state and out-of-state training requirements for manicurists and cosmeticians; (4) specifying that a manicurist is not prohibited from massaging, cleaning, or stimulating the arms, as specified; (5) revising a provision specifying the credits to be received by a student who transfers from one course of study to another; (6) requiring,

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in certain circumstances, an administrative law judge to order a licensee to pay the Board of Cosmetology the reasonable costs of investigation and adjudication of a disciplinary action against the licensee, which costs shall be deposited in the Board of Cosmetology's contingent fund; (7) recasting provisions regarding the requirements for the issuance of a new license to the holder of a license which has not been renewed within 5 years following its expiration; (8) making specified provisions relating to cosmetology and schools of cosmetology applicable as well to electrology and schools of electrology; (9) deleting provisions relating to eligibility for persons meeting certain requirements prior to March 4, 1972, for examination for a certificate of registration and license as a cosmetology instructor; (10) providing that the board may deny a license for specified reasons; and (11) deleting obsolete language and making technical, nonsubstantive changes.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Board of Cosmetology's contingent fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

This bill would incorporate certain changes to Section 7320 of the Business and Professions Code, as proposed by SB 180, if both bills are chaptered and this bill is chaptered last.

This bill would impose a new program or higher level of service upon local governments by expanding the scope of an existing crime with respect to the unlicensed practice of cosmetology.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

The bill would take effect immediately as an urgency statute.

Ch. 1485 (SB 1252) Beverly Counties financial liability.

(1) Under existing law, the courts determine the ability to pay of criminal defendants and persons responsible for the support of certain minors with respect to their liability for the costs of court-appointed counsel and other reimbursable court expenses.

This bill would authorize a county to designate a county financial evaluation officer who would make such determinations pursuant to court order, as specified. The bill would also provide for hearing of such matters by the court, as specified

(2) Existing law provides for the payment of restitution to victims of crime

The bill would authorize the payment of restitution in installments, as specified; and would require the apportionment of payments for fines, penalty assessments, and restitution, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) This bill would incorporate additional amendments to Section 661 of the Welfare and Institutions Code proposed by AB 378, to Section 1203.1c of the Penal Code proposed by AB 1740, and to Section 1205 of the Penal Code proposed by SB 800, contingent upon the prior enactment of those bills, respectively

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1486 (SB 673) Robbins. Bail

Existing law provides that after a forfeiture of bail, and subject to specified conditions, if the defendant and his or her bail appear within 180 days after the mailing of a notice of forfeiture, the court is authorized to direct the forfeiture to be discharged upon such terms as may be just

This bill would, instead, authorize the court, under terms as may be just and that are

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equal with respect to all forms of pretrial release, to set aside the forfeiture, and the bail, or the money deposited instead of bail, would be exonerated immediately. The bill would make related changes with respect to the defendant being dead or otherwise permanently unable to appear in court.

Existing law provides that no order discharging the forfeiture of the undertaking or deposit of bail shall be made without the opportunity for a hearing and the filing of a notice of a motion for the order setting forth the basis for relief with proof of service upon the prosecuting attorney or district attorney, as specified, unless waived by the district attorney or other prosecuting attorney.

This bill would recast this provision to provide that unless waived by the district attorney or other prosecuting attorney, no order discharging the forfeiture of the undertaking or deposit shall be made without notice by the bail to the district attorney or prosecuting attorney, who may request a hearing within 10 days after receipt of the notice. Upon the receipt of such a request, the court would be required to set the date, time, and place of hearing and give notice to the district attorney or prosecuting attorney and to the bail.

Existing law provides that if an assessment is made a condition of discharging a forfeiture, and the surety or depositor is not present in court, the clerk of the court shall mail a notice within 30 days thereof to the surety or depositor.

This bill would delete the requirement that the surety or depositor not be present in court.

The bill would make technical and conforming changes.

Ch. 1487 (SB 695) Presley. Local education.

(1) Existing law provides for the selection of a superintendent of schools for each county by either election at each gubernatorial election, or appointment by the county board of education, as the qualified electors of the county may determine.

Existing law also grants generally to the board of supervisors of each county the authority to fill vacancies occurring in elective county offices

This bill would permit any county board of education to adopt, at any public meeting, the authority to fill any vacancy in the office of the county superintendent of schools. In any county in which the superintendent is elected, the appointee would hold office until the office is filled at the next gubernatorial election.

(2) Existing law ~~prescribes the minimum schoolday at each grade level~~ [provides,]* for purposes of ~~apportionments.~~

~~This bill would change~~ [apportionment, that]* the minimum schoolday for pupils in grade 11 or 12 enrolled part-time in classes of a community college [is 180 minutes of attendance]* , as specified.

This bill would ~~specify that a day of~~ [apply this provision to]* attendance for any pupil who is a special part-time student enrolled in a community college ~~under specified provisions of current law is 180 minutes of attendance for which academic credit will be provided upon satisfactory completion of enrolled courses~~*.

(3) Existing law provides that the governing board of any school district may authorize students who would benefit from advanced scholastic or vocational work to attend a community college as special part-time students, as specified, and that they would receive scholastic credit for courses completed as determined by the school district and community college district governing boards

This bill would provide that those students would receive credit for community college courses that they complete, in the same manner as regularly enrolled community college students

This bill would specify that pupils who attend community college as special full-time students are exempt from specified compulsory school attendance provisions of current law

(4) Existing law requires that community college districts and school districts contract for reimbursement for the expense incurred by the community college district for the education of pupils in kindergarten and grades 1 through 10 who are special part-time students at a community college.

This bill would delete those provisions and instead provide for state apportionments to community college districts on account of those pupils.

This bill would also authorize the president of any community college to admit as a

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special full-time student any pupil who would benefit from advanced scholastic or vocational work, pursuant to petition of the pupil's parent or guardian, as specified. This bill would provide for state apportionments to community college districts on account of those students

This bill would require the Superintendent of Public Instruction to annually report to the Legislature concerning the attendance at community colleges of special part-time and special full-time students.

(5) Under existing law, the attendance as a special summer session student, of a pupil who has completed the 10th grade, at a community college is credited to the district maintaining the college for purposes of state apportionments. The school district in which the pupil is enrolled is required, as to any pupils who have not completed the 10th grade, to contract with the community college district to reimburse the community college district for expenses incurred on account of the attendance of the pupils

This bill would provide instead for state apportionments directly to each community college district on account of any pupils attending community colleges maintained by the district as special summer session students.

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

Ch. 1488 (SB 637) Russell Unemployment compensation benefits.

(1) Under existing law, an employer is required to pay to the Unemployment Fund contributions for each calendar year with respect to wages paid for employment, at a rate determined according to the employer's net reserve balance in proportion to the employer's average base payroll. The contributions required of an employer who does not have a negative reserve account balance whose average base payroll has increased by a specified amount above the employer's prior average base payroll are determined at a rate which is lower than the rate applied to an employer in the same circumstances whose payroll has not increased in that specified manner.

This bill would repeal that special contributions rate

(2) Under existing law, an individual who is otherwise eligible for unemployment compensation benefits shall not be denied those benefits on a basis relating to the acceptance of work if the individual is actively participating in a good-faith effort to form an employee-owned corporation, as defined

This bill would repeal that provision.

(3) Existing law provides that any person who is overpaid any amount as unemployment compensation benefits is liable for the amount 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

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, a 30% penalty is assessed. The director is required, until December 31, 1986, to allocate payments to the department so that the 30% penalty has the first priority.

This bill would repeal the requirement that the penalty assessment have first priority

(4) Existing provisions of law generally do not authorize the payment of unemployment insurance benefits to school employees with respect to a period between 2 succeeding academic years, or to specified vacation or holiday periods. Certain nonprofessional workers employed by specified state schools for the deaf, blind, or neurologically handicapped are exempt from that limitation and, therefore, if otherwise qualified, may receive unemployment insurance benefits during those periods.

This bill would repeal that exemption and would instead provide that these employees shall be paid unemployment compensation benefits for weeks of unemployment occurring between school terms and during an established and customary vacation period or holiday recess by the Controller, from funds appropriated for support of the State Department of Education and allocated to the state special schools, upon authorization by the Employment Development Department.

Ch 1489 (SB 558) Watson Terrorizing

Existing law contains various crimes relative to vandalism, arson, use of explosives or destructive devices, and terrorizing.

This bill would, additionally, make it a felony punishable as specified, to explode,

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ignite, or attempt to explode or ignite any destructive device or explosive or to commit arson, in or about certain specified places, for the purpose of terrorizing another or in reckless disregard of terrorizing another, as defined

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 the felony conduct relative to terrorizing that would be prohibited by the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1490 (SB 549) Deddeh. Emergency shelter

Existing law authorizes the Director of General Services, with the consent of the concerned state agency and the approval of the concerned local agency governing body, to let for any period any state-owned real property or interest in the property when he or she deems that the letting serves a beneficial public purpose limited to the development of housing or park and recreation facilities.

This bill would include emergency shelters within the term housing, for these purposes.

Existing law establishes the Emergency Housing and Assistance Fund and continuously appropriates the money in that fund to the Department of Housing and Community Development to make grants to agencies of local government or nonprofit corporations which provide shelter effectively and efficiently on an emergency or temporary basis. Existing law permits those grants to be used to purchase, lease, renovate, repair, or equip buildings and sites for use as emergency shelters.

This bill would permit those grants to be used to cover a specified percentage of the operating and administrative expenses of the local government or nonprofit corporation in operating and administering the shelter, as specified.

The bill would make an appropriation by expanding the purposes for which grants may be made by the department from a continuously appropriated fund

The bill would revise and recast other provisions without substantive change.

The bill would incorporate changes in Section 50802 of the Health and Safety Code proposed by AB 1736, but only if this bill and AB 1736 are both chaptered and become effective and this bill is chaptered last.

Ch. 1491 (SB 548) Alquist. Seismic safety. earthquake hazard reduction program.

Existing law provides for the implementation of an earthquake hazard reduction program by the Seismic Safety Commission.

This bill would enact the California Earthquake Hazards Reduction Act of 1986. It would establish the California Earthquake Hazard Reduction Program with specified objectives and would make certain legislative findings and declarations regarding the need for the program. The program would consist of a series of 5-year implementation programs which would be subject to annual revision.

The bill would require the commission, in consultation with specified entities, to prepare the initial program by September 1, 1986

The bill would require the Office of Emergency Services to establish an interim state operations office in southern California to coordinate earthquake response and to undertake a design analysis for a permanent state operations center.

The bill would appropriate $150,000 from the General Fund to the commission for the preparation of the program and would appropriate $325,000 to the office for the interim state operations office and $125,000 for the design analysis for the permanent state operations center.

This bill would take effect immediately as an urgency statute.

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Ch. 1492 (SB 530) B. Greene Hazardous substances and wastes· stay of proceedings.

Existing law requires that the perfecting of an appeal stays the proceedings in the trial court upon the judgment or order which was appealed, including the enforcement of the judgment or order.

This bill would exempt from this stay rule a judgment or order, including an administrative order, ordering a party to remedy or remove a release or a threatened release of a hazardous substance which causes an imminent or substantial endangerment to the public health or welfare or to the environment or an order requiring a party to comply with certain provisions of the hazardous waste control laws.

Ch 1493 (SB 214) Watson. Adoption

Existing law requires the State Department of Social Services and licensed adoption agencies to release any letters, photographs, or other items of personal property in their possession to any adoptee, birth parent, or adoptive parent upon the written request of the adoptee, birth parent, or adoptive parent Existing law limits this release requirement to personal property deposited with the department or a licensed adoption agency on or after January 1, 1985.

This bill would delete the January 1, 1985, deposit limitation, thus establishing a state-mandated local program since the requirement to release personal property deposited prior to January 1, 1985, would be applicable to licensed county adoption agencies. The requirement for the release of photographs deposited before January 1, ~~1975~~ [1985]* , would be limited, as specified

Under existing law, any letter, photograph, or personal property deposited with the department or licensed adoption agency is required to be accompanied by a release form or similar document signed by the person depositing the material

This bill would specify that this requirement applies only to material deposited on or after January 1, 1985, except as specified

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1494 (SB 855) Mello Financial responsibility.

Under existing law, an owner of, and a driver of, a motor vehicle is required to maintain in force a form of financial responsibility. Violation of this requirement is an infraction The Department of Motor Vehicles is required to suspend the driver's license of any driver involved in an accident reported to the department, as specified, if the driver fails to prove his or her financial responsibility at the time of the accident. The suspension may not be terminated until one year from the commencement of the suspension and until the person files proof of financial responsibility.

This bill would, as an alternate to the department's suspension of the driving privilege, authorize the department, upon application, to restrict the person's driving privilege to driving to and from the person's place of employment and in the course of employment, as specified, if the person files and maintains proof of financial responsibility and pays a penalty fee of $250

The bill would require the penalty fee to be deposited in the Financial Responsibility Penalty Account which would be created by the bill in the General Fund.

The bill would also enact the Mello-McAlister Restricted Employment Driving Privilege Act which would require the department to notify persons whose driving privilege has been or is suspended, as specified, of the restricted driving privilege authorized under the bill.

The bill would appropriate $100,000 from the Financial Responsibility Penalty Account to the Department of Insurance for allocation as specified, and would require reversion of the unencumbered balance of the appropriation, as specified, on July 1, 1986, to the account

The bill would require any amount in the account not subject to appropriation on July 1, 1986, and each July 1 thereafter, to revert to the General Fund.

The bill would take effect immediately as an urgency statute

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Ch. 1495 (SB 852) Russell. PERS retirement allowances· adjustments.

The Public Employees' Retirement Law (1) requires annual adjustments, effective on April 1 of each year, in monthly allowances based upon cost-of-living changes as indicated by a specified price index, generally limits the annual cost-of-living adjustments in allowances of retired state members, retired school members, and retired local members whose employer did not elect for a higher rate, to 2% compounded, but authorizes contracting agencies to elect for increased adjustment of 3%, 4%, or 5%, compounded, per year, (2) provides, under specified conditions, for additional quarterly increases from any funds in a specified special account, of up to 10%, for the period from October 1, 1982, through September 30, 1984, (3) (a) provides, under specified conditions, for specified quarterly payments commencing on January 1, 1984, from any funds available in the Investment Dividend Disbursement Account (IDDA) for the purpose of increasing purchasing power, as specified, (b) makes the IDDA inoperative on July 1, 1987; (c) makes the authorization of the increases inoperative on January 1, 1989, (d) requires annual transfers to IDDA to be adjusted to reflect specified actuarial losses; and (e) requires retention of excess funds for 3 fiscal years and then requires reversion, as specified, to member accounts; (4) requires the transfer from any funds in the IDDA, not then needed for the purposes of item (3) above, the amount herein required, to a special account appropriated to the Board of Administration without regard to fiscal years, for use solely for purposes of paying additional specified noncumulative quarterly increases from October 1, 1984, through December 31, 1988, whenever the board determines that sufficient funds exist for this purpose, in the allowances of every person eligible on September 30, 1984, for the adjustments provided by item (2) above, until those persons are receiving under item (3) above an amount equal to or greater than the amount payable under item (2) above, and (5) requires, for the purposes of annual crediting to contributions of members and retired members, the current annual interest rate to be the same as the current actuarial interest rate

This bill would amend item (3) above: to require the establishment of such Purchasing Power Accounts (PPA) as the board deems necessary, as specified, rather than authorizing establishment of IDDA subaccounts; to extend the inoperative date in item (3) (b) above to January 1, 1994, to delete item (3) (c) above, thereby continuing indefinitely the authorization to make the increased payments, to delete items (3) (d) and (3) (e) above

This bill would, among other things, authorize, if sufficient funds are not available within a PPA to adjust allowances to a maximum of 75 percent of purchasing power, transfer of IDDA funds to the PPA to provide the authorized allowance increases, provide that, effective January 1, 1986, IDDA shall consist of an amount, as specified, plus future account earnings; require all other funds available pursuant to item (3) above, as hereby amended, to be retained in the PPA, which are to be annually credited with interest at the same crediting rate used to credit retired member reserves, require transfer from the PPA to the appropriate retired member accounts, as determined by the board, of any funds in excess of the amounts disbursed pursuant to items (3) and (4) above, in the two previous fiscal years, as specified

This bill would amend item (4) above to require it to be financed, instead, by payments from any funds in a PPA, to delete the requirement of a transfer to a special account; to extend the termination date for the quarterly increases to December 31, 1993; and to make it inoperative on January 1, 1994.

This bill would amend item (5) above to require the current annual interest rate to be not less than, rather than the same as, the current actuarial interest rate and to authorize the board to set the current annual interest rate at the level which provides for the maintenance of the IDDA and PPA, as herein specified above.

This bill would make other related changes and express legislative findings and declarations.

Ch 1496 (SB 851) Craven Intermediate care facility/developmentally disabled—nursing

(1) Under existing law, the State Department of Health Services licenses and regulates health facilities, as defined

This bill would add a new health facility classification of intermediate care facility/developmentally disabled—nursing, as defined It would require the State Department of Health Services and the State Department of Social Services to develop and implement licensing and Medi-Cal regulations for these facilities. It would require the State

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Department of Health Services to adopt these regulations as emergency regulations, as specified It would impose a state-mandated local program because certain violations of these regulations would define a new crime

This bill would also require the State Department of Developmental Services, in consultation with the State Department of Health Services to make a prescribed report.

(2) Existing law, known as the Nursing Home Administrator's Licensing Act, which is administered by the State Board of Examiners of Nursing Home Administrators makes it a misdemeanor, with prescribed exceptions, for any person to act or serve in the capacity of a nursing home administrator without a license.

This bill would exempt an intermediate care facility/developmentally disabled—nursing from these provisions.

(3) This bill would exempt these facilities from certain certificate-of-need requirements and from the requirements of the Health Data and Advisory Council Consolidation Act

(4) Existing law requires persons desiring a license for a health facility or approval for a special service to make a specified application to the State Department of Health Services. Existing law requires an application submitted by an intermediate care facility/developmentally disabled habilitative, as defined, to include a statement of need signed by the chairperson of the area board on developmental disabilities.

This bill would require an intermediate care facility/developmentally disabled—nursing to utilize the same procedure

(5) This bill would prescribe that an intermediate care facility/developmentally disabled—nursing meet the same fire safety and seismic safety requirements as an intermediate care facility/developmentally disabled habilitative.

(6) Existing law provides that for purposes of all local zoning and use permit ordinances intermediate care facility/developmentally disabled habilitative of six beds or less be considered to be a community care facility and subject to specified provisions of law relative to overconcentration of community care facilities.

This bill would prescribe that an intermediate care facility/developmentally disabled habilitative which serves six or fewer persons or an intermediate care facility/developmentally disabled—nursing be considered a residential use of property and the residents or operators thereof, a family for purposes of any law or zoning ordinance relative to residential use of property. It would permit certain local agencies to place certain restrictions and requirements on those facilities applicable to other single-family residences. It would require the State Director of Health Services to deny new licenses for these facilities when the director determines that the location of the facility would result in overconcentration, as defined. This definition of overconcentration and the provisions it applies to would include reference to certain residential care facilities.

(7) Existing law requires the administrator of an intermediate care facility/developmentally disabled habilitative to be either a licensed nursing home administrator or a qualified mental retardation professional.

This bill would make this requirement for an intermediate care facility/developmentally disabled—nursing.

(8) Existing law requires the inspection report of the State Department of Health Services for an intermediate care facility/developmentally disabled habilitative be provided to certain regional centers.

This bill would require the inspection report of an intermediate care facility/developmentally disabled—nursing to be so provided.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1497 (SB 843) Royce. Compensation in STRS and PERS: contributions to voluntary tax-deferred retirement plans—employer "pick up".

The existing State Teachers' Retirement Law and Public Employees' Retirement Law include within their respective definitions of "compensation," amounts withheld for participation in a deferred compensation plan pursuant to specified provisions.

This bill would, with respect to those definitions of "compensation," specifically in-

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clude amounts deducted from members' salaries for payment into, and specifically exclude amounts paid by employers as employer contributions into, any tax-deferred retirement plan which meets the requirements of Section 401(k) of the Internal Revenue Code This bill would also specify that PERS "compensation" includes employer "pick up" of member contributions to a pension plan which meets the requirements of Section 414(h)(2) of the Internal Revenue Code and would make other related and technical changes.

This bill would also make additional changes in Section 20022 of the Government Code, proposed by AB 302 and SB 1203, contingent upon the prior enactment of either or both of those bills.

This bill would take effect immediately as an urgency statute.

Ch. 1498 (SB 939) L. Greene. Interim school facilities

(1) For the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, the existing law permits the governing body of a school district to notify the city council or board of supervisors of the city or county within which the school district is located if the governing body of the school district finds that conditions of overcrowding exist in the district and that all reasonable methods of mitigating those conditions have been evaluated. Existing law permits a city, county, or city and county to adopt an ordinance requiring the dedication of land, the payment of in-lieu fees, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development in specified circumstances.

This bill would require a city council or board of supervisors that receives that notification from the governing body of the school district to either concur or not concur in the findings within 61 days to 150 days after receiving those findings and would permit the city or county to extend that period to concur or not concur by one 30-day period This requirement would impose a state-mandated local program.

This bill would provide that if fees are paid in lieu of the dedication of land and those fees are utilized to purchase land, no more land shall be purchased than is necessary for the placement thereon of interim facilities.

(2) Existing law defines "reasonable methods for mitigating conditions of overcrowding" to include agreements between a subdivider and the affected school district for the lease or use of temporary buildings by the school district.

This bill would expand the meaning of that term to include agreements between the affected school district and other school districts for the lease or purchase of surplus school facilities by the affected school district from other districts The expansion of this definition would require a school district to evaluate additional methods of mitigating conditions of overcrowding and would, therefore, impose a state-mandated local program.

(3) Existing law requires the governing body of a school district to submit a schedule to the city council or board of supervisors specifying how the school district will use the land, or fees, or both, to solve conditions of overcrowding after the city or county makes a decision to require the dedication of land or the payment of fees.

This bill would, instead, require the governing body to submit that schedule to the city council or board of supervisors before that decision is made by the city council or board of supervisors. This requirement would impose a state-mandated local program

(4) Existing law specifies that for one year after the receipt of an apportionment of funds under specific laws relating to the lease-purchase of school facilities a city or county may not levy any fee or require the dedication of any land within the attendance area of the school district.

This bill would make that prohibition applicable only within the attendance area of the school for which the apportionment was received.

(5) Existing law provides that interim facilities are generally limited to temporary classrooms, temporary classroom toilet facilities, and reasonable site preparation and installation of temporary classrooms.

This bill would expressly include land necessary for the placement of temporary classrooms or temporary classroom toilet facilities within the meaning of "interim facilities"

(6) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

(7) This bill would incorporate changes in Sections 65971, 65973, 65976, and 65979 of the Government Code proposed by AB 2089, but only if this bill and AB 2089 are both chaptered and become effective and this bill is chaptered last

Ch. 1499 (AB 2458) N Waters. Missing persons. report.

Existing law requires the Department of Justice to maintain dental records and files regarding missing persons These files are required to be made available to law enforcement agencies attempting to locate missing persons

This bill would require the department to prepare a prescribed report, to be submitted to the Legislature on or before January 1, 1987, which summarizes and compares certain data collected pursuant to the above law

Ch. 1500 (AB 2462) Wright. Vehicles· registration.

Under existing law, the transfer of ownership involving a leased vehicle may be effected upon the signature release by either the lessor or the lessee when the application for transfer is accompanied by a statement of facts that the party signatory is the owner of the vehicle and entitled to transfer the vehicle. Under existing law, the lessor and lessee are required to be shown on the registration card of a leased vehicle and the Department of Motor Vehicles is required to designate the relationship and the address of the lessee on the card and the ownership certificate

This bill would instead provide that the transfer of ownership of a leased vehicle would be effected only upon the signature release of the lessor The bill would authorize the department, at the election of the lessor, to designate either the address of the lessor or the lessee on the registration card and ownership certificate. The bill would require the lessor to provide the name, or the name and address, of the lessee on a form prescribed by the department where the information is not on the registration card and ownership certificate, and would allow this information to be used only for law enforcement and to be available only to law enforcement officials

These provisions of the bill would become operative on July 1, 1986

The bill would appropriate $183,682 from the Motor Vehicle Account in the State Transportation Fund to the department to carry out the bill

Ch. 1501 (SB 657) Seymour. Schools pupils absences

Existing law authorizes the Superintendent of Public Instruction to establish pilot programs for attendance accounting and reporting for the 1980–81 school year through the 1984–85 school year and exempts participating school districts from specified attendance accounting and reporting requirements of current law

This bill would authorize the superintendent to make these programs available for the 1985–86 school year through the 1988–89 school year, but would specifically prohibit school districts from receiving a revenue limit increase pursuant to these programs after the 1982–83 fiscal year.

Ch 1502 (SB 707) Montoya Physicians and surgeons· loan program

Existing law provides that under the physician and surgeon incentive pilot program, 10 loans shall be available each fiscal year up to June 30, 1986, to assist licensed physicians and surgeons in establishing medical practices in areas deficient in physician services and primary care specialities. Existing law provides that the amount of a loan shall not exceed $10,000

This bill would provide that on and after July 1, 1986, there shall be 5 loans available each fiscal year, and that the amount of a loan shall not exceed $20,000 and would repeal the authorization to make these loans effective January 1, 1989.

The bill would also require the Division of Licensing of the Board of Medical Quality Assurance of California, upon issuing a physician's and surgeon's certificate to an appli-

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cant, to provide information regarding the physician and surgeon incentive loan program to that licensee until January 1, 1989

Existing law sets forth a schedule of repayment of loans awarded to licensed physicians and surgeons who establish and maintain a medical practice in an area deficient in primary care services The amount required to be repaid is dependent upon how long the practice has been maintained The amount repaid is required to be deposited into the continuously appropriated Contingent Fund of the Board of Medical Quality Assurance.

This bill would increase the amount of the loans to be repaid by revising this schedule to require repayment of the total amount of the loan, plus accrued interest charges, where the practice has been maintained for less than one year, and repayment of half of the total amount of the loan, plus accrued interest charges, where the practice has been maintained for more than one year but less than 2 years. Because this bill would increase the funds in the Contingent Fund of the Board of Medical Quality Assurance, it would constitute an appropriation

The bill would require the Legislative Analyst to report to the Legislature on or before June 30, 1988, on the effects of the bill

Ch. 1503 (SB 737) Royce. Probation. restitution

Existing law generally provides that the court shall require, as a condition of probation, that a person convicted of certain crimes 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 board of supervisors may add a fee to cover the actual administrative cost of collecting restitution, not to exceed 2% of the total amount ordered to be paid

This bill would, until January 1, 1989, authorize the increase of the amount of the fee to 10% and would require counties electing to increase the fee to make a designated report to the Legislature with regard thereto.

This bill also would incorporate additional changes in Section 1203.1 of the Penal Code, as proposed by AB 1346, to be operative only if this bill and AB 1346 are both chaptered, and this bill is chaptered after AB 1346.

Ch 1504 (SB 756) L Greene. Subdivisions.

The Subdivision Map Act imposes numerous requirements on the creation of subdivisions, as defined, and empowers local agencies to further regulate subdivisions

(1) Existing law exempts certain lot line adjustments between adjacent parcels from subdivision regulation if the lot line adjustment is approved by local authorities

This bill would limit local authorities in their approval of a lot line adjustment to a determination of whether the affected parcels will conform to local zoning and building ordinances, would prohibit local authorities from imposing conditions or exceptions on approval of a lot line adjustment with specified exceptions, would prohibit local authorities from requiring a tentative, final, or parcel map as a condition to its approval, and would require the recordation of a title document reflecting an approved lot line adjustment

(2) Under existing law, a subdivider may designate as a "remainder" that portion of the land which is not divided for the purpose of sale, lease, or financing The local agency may not require the subdivider to make improvements on the designated remainder until development of the remainder parcel is approved, unless necessary for the public health and safety or for orderly development of the surrounding area

This bill would declare that a designated remainder is not to be counted as a parcel in determining whether a parcel map or final map is required ; ~~and~~ [The bill]* would expressly permit a designated remainder parcel to be sold without any further requirement for the filing of a parcel map or final map [, but would authorize a local agency to require a certificate of compliance or conditional certificate of compliance]*.

(3) Under existing law, a final subdivision map is required to conform to numerous specifications, including the designation thereon of any "remainder" parcel

This bill would revise the required specifications for a designated remainder parcel of 5 acres or more

(4) Existing law requires a certificate, signed and acknowledged by all parties having a record title interest in the subdivided property, consenting to the preparation and recordation of a final subdivision map The signatures of parties owning certain specified

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types of interests in the property are exempt from this requirement if their names and the nature of their interests are stated on the final map

This bill would provide that monetary liability will not be incurred by, and no cause of action arises against, a local agency, a party, the subdivider, the subdivider's agent, or the engineer or land surveyor who prepared the map, on account of the omission of any signature from a certificate, which omission is expressly authorized by law.

(5) Under existing law, a parcel map is required to conform to various specifications, including the designation thereon of a "remainder" parcel.

This bill would revise certain of those specifications, including the specifications for a designated remainder parcel of 5 acres or more, and would require that on a parcel map each block be numbered or lettered and that each street be named or otherwise designated

(6) Under existing law and regulations, standards for grading and drainage in connection with the development of real property are prescribed

This bill would exempt from such standards, adopted by or applicable to a local agency pursuant to specified provisions of law, any construction of design or improvement work, including rough grading of lots in a subdivision, which is performed pursuant to or in connection with any provision of the Subdivision Map Act or of a local ordinance regulating subdivisions, unless the local agency has no other applicable ordinance, regulation, policy, or procedure regulating grading or drainage for subdivisions.

(7) Existing law prescribes procedures for an engineer or surveyor to be paid for the setting of monuments in connection with the survey of a subdivision. Existing law states that the local agency may pay the engineer or surveyor from funds deposited by the subdivider.

This bill would make such payment mandatory.

(8) By revising various standards under which cities and counties review, process, and approve applications for subdivision and parcel maps, this bill imposes a state-mandated local program. Cities and counties presently have authority to impose fees for the cost of processing such maps

(9) This bill would incorporate additional changes in Sections 66434 and 66445 of the Government Code proposed by AB 621, to be operative only if this bill and AB 621 are both chaptered and become effective January 1, 1986, and this bill is chaptered last.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1505 (SB 758) Boatwright Housing. age restrictions

Existing law generally requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report containing specified information A violation of this provision is a misdemeanor.

This bill would provide that a person who proposes to create a senior citizen housing development, through phased development and marketing of subdivision interests may apply for and obtain a public report for a phase of the development, even though the phase itself will not include a sufficient number of dwelling units to qualify as a senior citizen housing development. The applicant would be required to submit a statement containing specified declarations, signed under penalty of perjury, with the application for a public report. This bill would impose a new program or higher level of service upon local governments by expanding the scope of a crime

Existing law authorizes and regulates senior citizen housing, as specified.

This bill would (1), for the purposes of those provisions on senior citizen housing, define the term "qualified permanent resident" and revise the term "senior citizen housing development," as specified; (2) revise a provision on the enforceability of age restrictions; (3) revise provisions on temporary residency and on residency of a permanent qualified resident upon the death or prolonged absence of the qualifying resident; (4) delete a provision on amending documents or policies to conform with the provisions on senior citizen housing, and (5) provide that persons who have a right to occupy or use an unimproved lot on January 1, 1985, shall not be deprived of that right by the law

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regulating senior citizen housing.

The bill would also require the owner of specified subdivisions to give to a prospective purchaser a statement setting forth the enforceable and governing restrictions of the subdivision relating to the limitation of occupancy, residency, or use on the basis of age.

This bill would incorporate additional changes to Section 1360 of the Civil Code, as proposed by AB 596, if both bills are chaptered and this bill is chaptered last, but AB 314 is not chaptered, as specified This bill would (1) incorporate certain changes proposed by AB 314, if both bills are chaptered and this bill is chaptered last and (2) incorporate certain changes proposed by AB 314 and AB 596, if all 3 bills are chaptered and this bill is chaptered last

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1506 (SB 773) McCorquodale. Unlawful sexual intercourse.

Existing law defines certain acts of sexual intercourse accomplished against a person's will as rape.

This bill would impose a state-mandated local program by creating a new crime Under this bill, it would be either a misdemeanor or a felony for any person to induce any other person, not the spouse of the perpetrator, to engage in sexual intercourse, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1507 (SB 784) Maddy. Business and professions

Existing law requires that all plans, specifications, and instruments of service prepared by an architect are to be signed by the architect.

This bill would provide that an architect who signs those documents shall not be responsible for damage caused by subsequent changes or uses where the subsequent changes or uses are not authorized or approved by the architect, provided that the architectural service rendered by the architect was not also a proximate cause of the damage. The bill would provide that the signing of those documents shall not impose a legal duty or responsibility to observe the construction of the fixed works which are the subject of those documents, and that nothing contained in this provision shall modify the liability of an architect who undertakes the provision of construction observation services.

Existing statutory law generally provides that all civil engineering plans, specifications, reports, or documents shall be prepared by a registered civil engineer and shall be signed by him or her to indicate his or her responsibility for them. Existing decisional law provides, however, that the preparation of plans does not impose a duty to supervise construction of the work shown by the plan.

This bill would codify the above decisional law with respect to plans for fixed works by providing that the signing of civil engineering plans, specifications, reports, or documents which relate to the design of fixed works shall not impose a legal duty or responsibility upon the person signing the plans, specifications, reports, or documents to supervise the construction of the fixed works which are the subject of the plans, specifications, reports, or documents, and that nothing in this provision shall modify the liability of a civil engineer who undertakes the provision of construction observation services.

The bill would also provide that a registered civil engineer who signs civil engineering plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local

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governmental agencies, are not authorized by the registered engineer who originally signed the plans, specifications, reports, or documents, provided that the engineering service rendered by the civil engineer was not also a proximate cause of the damage.

Existing law provides that all maps, plats, reports, descriptions, or other documents issued by a licensed land surveyor or registered civil engineer shall be signed by him or her to indicate his or her responsibility for them

This bill would provide that, notwithstanding the above provision, a registered civil engineer or licensed land surveyor who signs land surveying maps, plats, reports, descriptions, or other surveying documents shall not be responsible for damage caused by subsequent changes to or uses of those maps, plats, reports, descriptions, or other surveying documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered civil engineer or land surveyor who originally signed the maps, plats, reports, descriptions, or other surveying documents, provided that the engineering or surveying service rendered by the civil engineer or land surveyor was not also a proximate cause of the damage

The bill would make other technical, nonsubstantive changes.

Ch 1508 (SB 808) Deddeh Public employees.

A provision of the existing Public Employees' Retirement Law designates data filed by a member or beneficiary as confidential; prohibits divulging any individual record, as specified; requires that information to be used for the sole purpose of carrying that law into effect, and requires any information requested for retirement purposes by any public agency to be treated as confidential by the agency

This bill would provide that the gross amount of any benefit is not confidential and may be released upon request to the board; prohibit release, except as provided above, of any member's, beneficiary's, or annuitant's address, home telephone number, or other personal information; and authorize the Board of Administration to seek reimbursement for reasonable related administrative expenses, which amounts would be deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.

Existing law requires 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.

This bill would require the board to continue conducting a study of health care costs and the effectiveness of health care cost containment activities of public and private employers and, upon the conclusion thereof, to make related recommendations to the Governor and the Legislature

This bill would also appropriate $60,000 from the General Fund for the purposes of this bill

Ch 1509 (SB 505) Ellis Public entities: real property.

(1) Existing law contains many provisions regulating the rental or lease of real property.

This bill would prohibit any public entity, as defined, from enacting legislation or to so administer legislation, to compel the owner of any residential real property to offer, or to continue to offer, accommodations in the property for rent or lease

This bill would provide that this provision does not prevent a public entity from enforcing any contract or agreement by which an owner of residential real property has agreed to offer the accommodations for rent or lease in consideration for a direct financial contribution, as defined, or, with respect to written contracts or agreements entered into prior to July 1, 1986, for any consideration; diminish or enhance, except as specified, any power which currently exists or which may hereafter exist in any public entity to grant or deny any entitlement to the use of real property, including, but not limited to, planning, zoning, and subdivision map approvals, diminish or enhance any power which currently exists or which may hereafter exist in any public entity to mitigate any adverse impact on certain displaced persons, supersede specified statutes relating to relocation assistance, fair employment and housing, unfair competition, civil rights, hiring of property, forcible entry and unlawful detainer, or community redevelopment, or relieve any party to a lease or rental agreement of the duty to perform any obligation under that lease or rental agreement

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This bill would provide that if a public entity, by valid exercise of its police power, has in effect any control or system of control on the price at which accommodations may be offered for rent or lease, that entity may provide that any accommodations which have been offered for rent or lease and which had been subject to that control or system of control at the time the accommodations were withdrawn from rent or lease shall be subject to certain specified provisions governing their subsequent rent or lease The bill would authorize exemplary damages, as specified, for displacement of tenants or lessees

This bill would provide that if a public entity determines to apply constraints, as specified, to a successor in interest of an owner who has withdrawn accommodations from rent or lease, the public entity shall record a specified notice with the county recorder

This bill would further provide that any public entity, which, by a valid exercise of its police power, has in effect any control or system of control on the price at which accommodations are offered for rent or lease, may require that the owner notify the entity of an intention to withdraw that property from rent or lease and record a copy of a specified memorandum with the county recorder, and require a certification with that notice that actions have been initiated as required by law to terminate any existing tenancies

The bill would prescribe that failure of the owner to comply with the provisions of the bill is a defense in an unlawful detainer action.

(2) The provisions of the bill described in paragraph (1) above would become operative on July 1, 1986

(3) This bill would declare that an invalid provision or application of its provisions is severable from other provisions or applications of the bill which can be given effect without the invalid provision or application

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by requiring the county recorder to record a specified written memorandum in the grantor-grantee index

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1510 (SB 467) Presley Murder second degree

Under existing law, second degree murder is punishable by a state prison term of 15 years to life

This bill would, in cases of second degree murder where the defendant has served a prior prison term for murder, impose a term of 15 years to life or life without possibility of parole The term would be determined according to procedures prescribed in the bill The bill would also provide that in those cases an indigent defendant may request the court for funds for the payment of investigators, experts, and others, thereby imposing a state-mandated local program

This bill also would incorporate further changes in Section 987 9 of the Penal Code proposed by AB 344, contingent upon the enactment and prior chaptering of AB 344

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 1511 (SB 445) Presley Criminal punishment

Existing law provides, for a prisoner sentenced under provisions other than those imposing a determinate sentence, that within 6 months of rescinding a parole date, the Board of Prison Terms shall set a release date

This bill would, instead, provide that within 12 months the board shall schedule the prisoner's next hearing, as specified

Existing law establishes pilot projects for placing persons convicted of driving while

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intoxicated in alcohol rehabilitation facilities, and requires those facilities to conform to specified standards for local detention facilities classified as Type I facilities.

This bill would require the alcohol rehabilitation facilities to conform to standards for local detention facilities classified as Type IV facilities.

The bill would take effect immediately as an urgency statute

Ch. 1512 (SB 429) Seymour. Local transportation fund: Orange County.

Under the Mills-Alquist-Deddeh Act, local transportation funds in counties with a population of 500,000 or more, with specified exceptions, may only be used for pedestrian and bicycle facilities and public transportation and community transit purposes, and interest earned on these funds may be expended only for those purposes for which the funds are allocated.

This bill would, until January 1, 1989, authorize the Orange County Transportation Commission to direct that interest earned by money retained for the development of transit in the local transportation fund of Orange County on and after January 1, 1985, be expended for public street and highway purposes and for exclusive public mass transit guideway purposes, as determined by the Orange County Transportation Commission.

The bill would require the commission to ensure that the money is allocated in substantially equal proportions to local streets and roads and to state highways for purposes which include, but are not limited to, their resurfacing, rehabilitation, and reconstruction.

Ch. 1513 (SB 420) Robbins. Insurance· investments.

Existing law authorizes a domestic insurer to make excess fund investments in real estate, as specified.

This bill would authorize a domestic life insurer having admitted assets aggregating not less than $100,000,000, notwithstanding specified provisions of law, to make excess fund investments in interests in publically traded limited partnerships, limited partnerships in which the life insurer is the general partner, general partnerships, and shares of beneficial interests in trusts substantially all the assets of which are real estate or leases thereof or improvements thereon for business or residential purposes, as specified.

Ch. 1514 (SB 360) Lockyer. Regional park district: board vacancies.

Under existing law, whenever a vacancy exists for 30 days on the board of directors of a regional park district, regional park and open-space district, or regional open-space district, and the board has not filled the vacancy, the Governor is required to fill that vacancy. A person appointed to fill any vacancy on the board is required to hold office for the remainder of the unexpired term of that member's predecessor, except in the case of newly created wards.

This bill would repeal those provisions concerning the filling of a vacancy on the board, except in the case of newly created wards or subdistricts, so that the board vacancy would, pursuant to existing law regarding the filing of an elected district board vacancy, be filled in the following sequence: by the remaining board members, by the city council or board of supervisors, as specified, or by an election

Ch. 1515 (SB 359) L. Greene. Small claims court.

(1) Existing law requires every person who regularly transacts business in this state for profit under a fictitious business name, with specified exceptions, to file a fictitious business name statement, and sets forth the form for such a statement.

This bill would revise the form for a fictitious business name statement to require the registrant to state the date on which business was first transacted under the fictitious business name, if already so transacting business, or to indicate that the registrant has not yet begun to transact business under the fictitious business name, thereby imposing a state-mandated local program by requiring new forms for fictitious business name statements

(2) Existing law prohibits a person transacting business under a fictitious business name from maintaining certain actions in court until a fictitious business name statement has been executed, filed, and published, as specified.

This bill would require an action brought in small claims court on behalf of a plaintiff who has not filed a fictitious business name statement as required by law, to be dismissed

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without prejudice.

(3) Existing law provides that a corporation may appear in small claims court only through an employee or a duly appointed or elected officer or director, employed, appointed, or elected for purposes other than the exclusive representation of the corporation in small claims court. Any other entity which is not a natural person may appear in small claims court only through a regularly employed person of that entity, employed for purposes other than the exclusive representation of the entity in small claims court. However, there is no requirement that a person filing a claim in small claims court, either on his or her own behalf or on behalf of a party which is not a natural person, affirm his or her authority to represent the party filing the claim.

The bill would require a representative filing a claim in small claims court on behalf of a plaintiff which is not a natural person to affirm that he or she is authorized by law to do so, and to identify the basis for the authorization, under penalty of perjury The bill would also require a party filing a claim in small claims court in a fictitious business name to state under penalty of perjury its compliance with the requirements for doing business under a fictitious name. The bill would require the implementation of these requirements according to rules and forms adopted by the Judicial Council. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch 1516 (SB 356) Morgan. Institute for Computer Technology· funding.

Existing law authorizes the Institute for Computer Technology, a joint powers entity, to conduct a program of education and training in computer technology.

This bill would direct the Legislative Analyst to conduct a review of the institute and, no later than December 31, 1985, to report to the Legislature regarding the effectiveness and funding of the institute's operations, as specified.

Under existing law, the institute is authorized to be operated as a regional occupational center or program

This bill would delete this provision.

This bill would also require that state funding for the institute be matched or exceeded for each fiscal year by financial support from participating school districts or private sources.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by requiring the institute to report to the Legislature no later than December 31, 1985, regarding its funding needs for the 1986–87 fiscal year and thereafter. This bill would also require the institute, with the assistance of the State Department of Education, to test and demonstrate its model program, as specified

This bill would appropriate $200,000 from the General Fund for apportionment to the institute during the period from the enactment of the bill to June 30, 1987, in addition to any appropriation under the Budget Act of 1985, for the preparation and submittal of that report, for testing and demonstration of the model program, and for curriculum development.

This bill would take effect immediately as an urgency statute.

Ch. 1517 (SB 333) Dills California State Lottery: net revenues. commission quorum: deputy directors.

Existing law requires the net revenues of the California State Lottery to be distributed periodically to public school districts, the Board of Trustees of the California State University, and the Regents of the University of California to be used exclusively for the

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education of pupils and students.

This bill would provide that payments to be made to public school districts serving grades kindergarten through 12, or any part thereof, shall be made in part to county superintendents of schools, serving those grades This bill would also require payments to be made directly to the Board of Directors of the Hastings College of the Law and to the California Maritime Academy Board of Governors on the basis of an amount for each unit of equivalent full-time enrollment. As allocations from the California State Lottery Fund for new purposes, these provisions would constitute an appropriation

This bill would require public school districts [, county superintendents of schools,]* and the Trustees of the California State University to each maintain moneys received from the California State Lottery in a separate fund or account

This bill would provide that no Budget Act or other statutory provision shall direct that these payments be used for purposes of and programs of specified legislation relating to public education, but that the recipients of these payments may at their option utilize the payments for enrichment or expansion of those purposes and programs

Existing law specifies that the California State Lottery Commission consists of 5 members, that a quorum consists of a majority of the members of the Commission then in office, and that all decisions of the Commission shall be made by a majority vote of the members present, provided a quorum is present

This bill would specify that a quorum consists of 3 members and that all decisions of the Commission shall be made by a majority vote of the Commission

In addition, the bill would authorize the Governor, upon recommendation of the Director of the California State Lottery, to appoint up to 4 deputy directors, rather than authorize the Director to appoint and prescribe the duties of no more than 4 deputy directors

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by requiring school districts, including county superintendents of schools, and community college districts, to establish a separate account for the receipt and expenditure of moneys allocated from the California State Lottery Fund

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would take effect immediately as an urgency statute

Ch. 1518 (SB 329) Presley Peace Officers' Memorial Commission.

(1) Existing law does not provide for a Peace Officers' Memorial Commission.

This bill would create the Peace Officers' Memorial Commission, which would remain in effect only until January 1, 1988, and provide for its composition and duties The bill would authorize construction of a memorial to California peace officers on the State Capitol grounds, as defined, and would direct the commission to provide for its design, construction, and dedication, as specified

(2) The bill would create the Peace Officers' Memorial Account in the General Fund and require the deposit therein of all funds received by the commission pursuant to the bill Any moneys in the account would be continuously appropriated to the commission for purposes of the bill The bill 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 These provisions would be repealed on January 1, 1988

(3) The bill also would provide for the conduct of peace officer memorial ceremonies by the Peace Officers Research Association of California.

Ch. 1519 (SB 292) Marks AIDS research: confidentiality.

(1) Existing law which became effective in 1985 provides for the confidentiality of the identity of a person subject to a blood test to detect antibodies to the probable causative agent of AIDS and the results of this blood test.

This bill would prohibit the disclosure of any confidential research record, as defined,

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developed, or acquired in the course of conducting research or a research study relating to AIDS, except as specified It would permit the record to be disclosed pursuant to a specified, prior written consent by the research subject It would require, prior to an individual's participation in a research study that the researcher provide the individual certain information and that an informed consent be obtained, as specified To the extent this requirement would apply to public entities, it would impose a state-mandated local program

This bill would provide penalties for the disclosure, as defined, of these records, except as specified, including the assessing of civil penalties and the creation of a new misdemeanor It would establish a right of action for actual damages It would also make it an infraction and subject to a specified penalty to negligently or willfully violate the requirements of providing the research subject with certain information and informed consent, as specified. Creation of a new crime constitutes a state-mandated local program.

This bill would prescribe that in the event the participation of an individual is disclosed, it shall not be used to determine the employability or insurability of the research subject

It would also require the content of any confidential research records to be disclosed to the research subject or other specified individual upon written request, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 1520 (SB 255) Davis Water quality· laboratory tests

Under existing law, the analysis of any material required by the Porter-Cologne Water Quality Control Act is not required to be performed by a laboratory certified by the State Water Resources Control Board

This bill would require any such analysis to be performed by a laboratory certified by the board to be competent, properly staffed, and equipped to conduct that specific type of analysis. The bill would require the board to adopt regulations, as specified, governing the certification and to establish a schedule of fees, as specified The bill would require the fees to be deposited in the General Fund The bill would specify that the Legislature shall, commencing with the 1986–87 fiscal year, appropriate the funds necessary for the operation of the program. The bill would terminate the authority to levy fees on January 1, 1989, and would require the board to report to the Legislature by April 1, 1988, on the fee schedule and specified related matters The bill would permit the certification program to be administered under contract with other governmental agencies or private entities The bill would prescribe related duties of the board and requirements for the certification program

The bill would appropriate $200,000 for board costs in the 1985–86 fiscal year, but would require the board to reimburse the General Fund for that amount by January 1, 1988, from the fees established by the board.

Ch. 1521 (SB 239) L. Greene Essential services buildings

(1) Existing law provides for state regulation of the design and construction of hospital buildings, as defined, to assure that hospitals are designed and constructed to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds.

This bill would enact the Essential Services Buildings Seismic Safety Act of 1986 which would declare the intent of the Legislature that essential services buildings be designed and constructed to resist, insofar as practical, the forces generated by earthquakes, gravity, fire, and winds

The bill would, additionally, impose certain specified duties upon enforcement agencies, as defined, with respect to supervising the design and construction of these buildings, or the reconstruction, alteration, or additions thereto, as well as specified enforcement of its provisions

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This bill would require the builder-owner to provide for, and would require the enforcement agency to require, adequate and complete inspection of the construction or alteration by a qualified inspector, and to the extent the enforcement agency is a city, city and county, or county, the bill would impose a state-mandated local program. This bill would also impose a state-mandated local program because it would require certain buildings constructed by local agencies to be approved, as specified.

The bill would additionally impose a state-mandated local program by creating a new crime since it would make a willful violation of its provisions a misdemeanor

It would prescribe, in a specified manner, that its provisions are applicable to any construction or alteration of an essential services building for which a contract is entered into on or after July 1, 1986.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would appropriate $95,000 to the office of the State Architect to carry out the activities imposed by the bill.

Ch. 1522 (SB 219) Foran Vehicles. driving with suspended or revoked license.

Existing law prohibits a person from driving a motor vehicle when the person's driving privilege is suspended or revoked for specified reasons.

This bill would exempt a person from that prohibition as to driving a vehicle, which is owned or utilized by the person's employer, during the course of employment on private property which is owned or utilized by the employer, except for a specified offstreet parking facility.

Ch. 1523 (SB 195) Maddy Postsecondary education: student fees.

Existing law requires that student charges at the California State University be set and adjusted according to a specified formula.

This bill would repeal those provisions and, instead, establish state policies regarding student fees at postsecondary educational institutions. The bill would require the Trustees of the California State University, the Regents of the University of California, and the Board of Directors of the Hastings College of the Law to establish long-term policies regarding student fees and policies for the expenditure of student fee revenues, as specified.

This bill would require all mandatory systemwide student fees at the California State University, the University of California, and the Hastings College of the Law to be fixed at least 10 months prior to the fall term in which they become effective.

In determining state appropriations for the institutions affected by this bill, this bill would purport to require the Governor and the Legislature to consider the level of mandatory systemwide student fees fixed by the governing board of the institution, if certain conditions are met.

This bill would permit up to a 10% annual increase or decrease in mandatory systemwide student fees in the event that state revenues and expenditures are substantially imbalanced due to unforeseen factors.

Whenever mandatory systemwide student fees are increased in accordance with the state policies established by this bill, this bill purportedly would require the state to provide sufficient student financial aid to offset the additional fees charged students with demonstrated financial need.

This bill would prohibit the Trustees of the California State University, the Regents of the University of California, and the Board of Directors of the Hastings College of the Law from imposing mandatory systemwide student fees upon postgraduate students which differ from those charged undergraduate students.

This bill would recognize that none of its provisions shall be applicable to the regents or the board of directors unless they adopt a resolution making those provisions applicable. This bill would recognize that none of its provisions shall be applicable to the California community colleges.

This bill would require the trustees, and, if they so elect, the board of directors and the regents, and appropriate state executive and legislative fiscal agencies to report on

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the state long-term student fee policy and its implementation as part of the annual state and segmental budgetary processes, and at any other times requested by the Governor or the Legislature.

This bill would specify that these provisions shall remain in effect for the 1986–87, 1987–88, 1988–89, and 1989–1990 school years, and would repeal these provisions on August 31, 1990.

This bill would take effect immediately as an urgency statute.

Ch. 1524 (SB 181) L. Greene. School districts reorganization.

Existing law authorizes the county committee on school district organization, except as otherwise specified, to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, to increase or decrease the number of governing board members, or to adopt an alternative method of electing governing board members, as prescribed Existing law specifies that these proposals may be initiated by the county committee or made to the county committee by a petition signed by at least 2% or 50, whichever is less, of the qualified electors residing in the district, or by resolution of the governing board of the district

This bill would provide, as to proposals made to the county committee, that the petition shall be signed by 5% or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, or by 2% or 250, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 or more qualified registered voters.

Ch 1525 (SB 158) Ellis Consumer goods and services.

(1) Existing law makes it a misdemeanor for any person conducting a mail order or catalog business in this state, and utilizing a post office box address or a street address representing a site used primarily for the receipt or delivery of mail or as a telephone answering service, to sell or offer 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 those provisions and attendant criminal penalties applicable to any person, with limited exceptions, conducting any business in this state, rather than only mail order or catalog businesses, and would delete the requirement that the address representing a site be used primarily for the receipt of mail or as a telephone answering service.

(2) This bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1526 (SB 115) Marks. Local agency investments

Existing law specifies various types of securities and obligations in which the surplus funds of a local agency or funds in its custody may be invested

Among the authorized investments of the funds of a local agency are "repurchase agreements" and "reverse repurchase agreements," as defined

This bill would restrict the purposes for which local agency funds could be invested in a reverse repurchase agreement, and would permit funds to be invested in a reverse repurchase agreement only upon prior approval of the legislative body of the local agency and only for a term of one year or less. It would make technical changes to the terminology in these local agency investment provisions. This bill would also require inclusion in the monthly investment report which the treasurer or chief fiscal officer of the local agency is presently required to prepare, information demonstrating that the local agency's expenditure requirements can be met in the following month, and in so doing would impose a state-mandated local program. It would make certain clarifying changes to these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims

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Fund to pay the costs of mandates which do not exceed $500,000, statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1527 (SB 1331) Beverly. Victims of crimes· indemnification.

Existing law authorizes indemnification by the State Board of Control of victims of crimes, as defined, pursuant to specified procedures.

The bill would authorize mental health counseling services to be provided by a person licensed as a clinical social worker or as a marriage, family, and child counselor.

The bill would authorize a direct cash payment to a provider of psychological or psychiatric treatment or mental health counseling services, or to the victim, equal to the pecuniary loss directly resulting from the injury, rather than authorize a cash payment to, or on behalf of, the victim equal to the pecuniary loss

In addition, the bill would authorize the board to obtain an independent examination and report from any provider of psychological or psychiatric treatment or mental counseling services, if it determines that there is a reasonable basis for requesting an additional evaluation

This bill would incorporate additional changes in Section 13960 of the Government Code as proposed by AB 695 if this bill is chaptered after AB 695

Ch. 1528 (SB 1306) Watson Child abuse

(1) Existing law provides for administrative proceedings regarding the supression, revocation, or denial of a license, registration, or permit under the California Child Care Act

This bill would require that those proceedings be conducted by using the preponderance of evidence standard.

(2) Existing law requires the Department of Justice, in cooperation with the State Department of Social Services, to prescribe by regulation guidelines for the investigation of child abuse in group homes or institutions.

This bill would require the department to prescribe by regulation guidelines for the investigation of abuse in out-of-home care, rather than the investigation of child abuse in group homes or institutions

(3) Existing law defines the term "abuse in out-of-home care" to mean, among other things, a situation of physical injury on a child which is inflicted by other than accidental means, or sexual abuse, or neglect, or willful cruelty or unjustifiable punishment of a child where the person responsible for the child's welfare is, among others, a foster parent or an administrator or employee of a residential home.

This bill would revise this definition by deleting references to "foster parent" and "residential home" However, it would include within the scope of that definition, physical injury inflicted by corporal punishment or injury, and it would include within the persons responsible for a child's welfare a licensee, administrator, or employee of a licensed community care, or child day care facility

Since this bill would expand the definition of "abuse in out-of-home care," it would include additional instances in which local authorities would be required to report child abuse cases to local child protective agencies, thus creating a state-mandated local program Furthermore, because the failure to report instances of child abuse, which include abuse in out-of-home care, is a misdemeanor, it would expand the scope of that crime, thus creating a state-mandated local program.

(4) The bill also would incorporate further changes to Section 11165 of the Penal Code as proposed by AB 701, contingent upon the prior chaptering of AB 701.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

This bill would provide that no appropriation is made by this act because this act does

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not mandate a new program or higher level of service on local government

(7) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch 1529 (SB 1276) Campbell. Juvenile arson and firesetting

Existing law provides that arson and firesetting are crimes punishable as a felony or misdemeanor, depending on the circumstances

This bill would establish the Task Force on Juvenile Arson and Firesetting, composed of members appointed as specified, which would be required to conduct a specified study on juvenile arson and firesetting, as specified

The bill would appropriate $25,000 from the General Fund to the Office of the State Fire Marshal to be used for specified purposes stated in this act

Ch. 1530 (SB 1256) Watson. Schools. early intervention for school success.

Under existing law, there are various programs to supplement the regular school program for pupils who have additional educational needs

This bill, in addition, would establish the Early Intervention for School Success Program to, among other things, identify pupils between the ages of 4 to 7, inclusive, who have developmental disabilities. This bill would require the Superintendent of Public Instruction to select one county superintendent of schools who agrees to participate as manager of the program. The manager would be required, utilizing certain criteria, to manage the implementation of the program and to develop a management plan, as specified, for the implementation of the program at 200 school sites within the state prior to July 1, 1991, that agree to participate. The bill would require the Legislative Analyst to evaluate the program and report his or her findings to the Legislature at the end of the 3rd year.

This bill would appropriate $105,000 to the Superintendent of Public Instruction to be awarded to the county superintendent of schools for startup administrative costs for the 1985–86 fiscal year for purposes of establishing the Early Intervention for School Success Program created by this bill.

This bill would repeal these provisions on July 1, 1991

Ch. 1531 (SB 1239) Ayala. Metropolitan water districts

(1) Under existing law, metropolitan water districts may be organized for the purpose of developing, storing, and distributing water for domestic and municipal purposes

This bill would authorize the board of directors of a metropolitan water district to change the name of the district in accordance with prescribed procedures.

(2) Under existing law, representatives of member public agencies on the board of directors of a metropolitan water district are appointed by the chief executive officer of the member public agency with the consent and approval of the governing body of the agency

This bill would also permit the representatives, at the option of the agency, to be selected by a majority vote of the governing body of the agency

(3) Under existing law, a metropolitan water district is authorized to borrow money and incur indebtedness, for any purpose for which it is authorized to spend money, by the issuance, in accordance with prescribed procedures and requirements, of negotiable or nonnegotiable short-term revenue certificates, payable out of any revenues of the district which are made security for the certificates pursuant to an indenture or resolution adopted by the board. The maximum maturities of the certificates may not exceed 270 days.

This bill would permit bonds and other indebtedness to bear interest at a variable rate, as specified, would permit maximum maturities of one year, and would authorize specified additional forms of credit facilities. The bill would make other changes for the specified purpose of clarifying existing law

(4) Under existing law, any contract for work over $25,000 let by a metropolitan water district is required to be given to the lowest responsible bidder.

This bill would authorize the board of a district to contract for goods, services, and facilities related to variable rate obligations, and would exempt these contracts from the

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requirement that a contract over $25,000 be let to the lowest responsible bidder.

Ch. 1532 (AB 1923) Elder. State retirement systems.

(1) The existing State Teachers' Retirement Law provides for school districts to allow release time for certificated employees to serve on the Teachers' Retirement Board and its committees and subcommittees and panels without loss of compensation and retirement benefits and requires that the State Teachers' Retirement System reimburse the school district for the cost of replacing the member while he or she attends the meetings or serves on the panels.

This bill would make the reimbursement provisions also applicable to the carrying out of other duties, as may be approved by the board.

(2) The existing State Teachers' Retirement Law requires employers and members to each pay a contribution at a rate of 8% of the members' compensation

This bill would authorize the employers to pick up all of the teachers' contributions within the meaning of Section 414(h)(2) of the Internal Revenue Code and the corresponding state law solely for the purpose of deferring income taxes thereon. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(3) The existing State Teachers' Retirement Law provides for payment of various benefits monthly to retirants and disabilitants.

This bill would prohibit invalidation of any warrant for less than $2,000 paid for the month in which a retirant or disabilitant dies, except upon request of the beneficiary.

(4) Existing law provides, upon the loss or destruction of a state warrant, for the issuance of duplicate state warrants under specified conditions, including the filing of an application and an affidavit.

This bill would authorize the Controller, upon the loss or destruction of a state warrant issued by the Controller payable to a retirant, beneficiary, or disabilitant out of a state retirement system for a monthly allowance, to accept an application and affidavit filed by the state retirement system on behalf of the payee.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to item (2) above of this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

(6) The bill would appropriate not to exceed $400,000 from the State Teachers' Retirement Fund to the State Teachers' Retirement System, for expenditure as follows: not to exceed $250,000, with the approval of the Department of Finance, to reimburse the State Teachers' Retirement System for any costs incurred by school employers implementing item (2) above of this act; and not to exceed $150,000, to finance a specified study of the adequacy of the services provided to the members of the system.

Ch. 1533 (AB 1862) Davis. Controlled substances: sale of heroin, cocaine, or phencyclidine: fortified rooms.

Existing law provides that it is a crime for any person who has under his or her managment or control any building, room, space, or enclosure, to knowingly rent, lease, or make available for use, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution.

This bill would make it a felony, punishable by 2, 3, or 4 years in the state prison, for such a person to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the sale of any amount of cocaine, heroin, or phencyclidine if that person obtains excessive profits by doing so.

The bill would, in addition, make it a felony punishable by 3, 4, or 5 years in the state prison, for any person to utilize a fortified building, room, space, or enclosure in order to sell or possess for sale any amount of cocaine, heroin, or phencyclidine. The bill would

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provide that, except in an unusual case where the interests of justice would best be served by granting probation, persons convicted of violating this provision shall not be granted probation or a suspension of the execution or imposition of sentence.

This bill would impose a new program or higher level of service upon local governments by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1534 (AB 1791) Cortese. State-mandated local costs.

Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies for any increased costs which they are required to incur as the result of any statute enacted, or executive order issued, after January 1, 1973, which mandates a new program or an increased level of service of an existing program, as specified. A similar requirement is imposed on the state with respect to school districts regarding any statute enacted after January 1, 1973, or executive order issued after January 1, 1978. Section 6 of Article XIII B of the California Constitution supplements these statutory provisions and imposes a constitutional requirement of reimbursement for certain costs mandated by the state after July 1, 1980.

Under existing statutory law, if a local agency or school district believes that it has not been fully reimbursed for costs imposed by a statute or executive order, a procedure is provided whereby a local agency or school district submits a claim for reimbursement and the Commission on State Mandates makes an initial determination regarding the claim.

With regard to any bill introduced or amended on or after January 1, 1985, which Legislative Counsel has determined will mandate a new program or higher level of service, the local agency or school district may submit a claim not exceeding $500,000 for which reimbursement is made directly from the State Mandates Claim Fund.

This bill would establish a State Mandates Apportionments System pursuant to which, for those mandated programs approved by the Commission on State Mandates, the Controller would determine the average amount of mandate reimbursements received by each local agency or school district over the past 3 years, or any 3 consecutive fiscal years thereafter, adjust that amount by changes in the Implicit Price Deflator, not including nonrecurring or initial startup costs, and, after November 30, 1985, subvene that amount [, to the extent funds are provided for these purposes in the Budget Act of 1985 and subsequently,]* to the local entity or school district without its submitting claims. When the Controller has made payment on claims prior to commission approval of the program, the subvention shall be adjusted, as specified By November 30, 1986, the Controller would establish the allocation amounts for the upcoming fiscal year by applying a formula, as specified [, and provide subventions to the extent funds are provided for these purposes in the Budget Act of 1986 and subsequently]*

Newly funded mandates could be claimed on an actual cost basis for 3 years, after which time they would be integrated into the State Mandates Apportionments System, upon approval by the Commission on State Mandates. A local agency or school district not presently claiming any or all mandates would submit actual cost claims for 3 years and then become a part of the apportionment system. If a funded mandate is terminated, made permissive, modified, or amended, the apportionment would be adjusted accordingly. The Commission on State Mandates would review and adjust, upon request, any apportionment or base year entitlement, as defined, of a local agency or school district, as specified. The Controller would be authorized to audit the fiscal years comprising the base year entitlement no later than 3 years after its establishment. The Controller would also be authorized to verify that any local agency or school district receiving funds pursuant to these provisions is providing the reimbursed activities.

This bill would take effect immediately as an urgency measure.

Ch. 1535 (AB 1755) Bradley. Hazardous substances· underground storage tanks.

(1) Existing law requires that all underground storage tanks used to contain hazardous substances which are installed after January 1, 1984, comply with certain require-

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ments concerning design, construction, monitoring systems, and drainage, including a requirement that, if the facility is open to rainfall, the secondary containment of the tank be able to additionally accommodate the volume of a 24-hour rainfall, as determined by a 100-year storm history.

This bill would specify that such a tank be able to accommodate the maximum volume of this 24-hour rainfall, as determined by a 25-year storm history.

(2) The bill would incorporate changes to Section 25291 of the Health and Safety Code proposed by AB 2239, which would take effect only if AB 2239 is enacted and this bill is enacted last.

The bill would also authorize specified owners and operators with interim permits to conduct specified initial tests before March 1, 1986, and to conduct the second test 30 months later under specified conditions, but only if AB 2239 is enacted.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would impose a state-mandated local program by imposing new requirements on cities, counties, and districts which operate underground storage tanks

The bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

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

Ch 1536 (AB 1674) Wyman. Licensed care facilities: licensure revocation.

Existing law specifies the terms and conditions of licenses for community care facilities and child day care facilities

This bill would specify circumstances under which licenses are forfeited prior to expiration.

Existing law specifies that licenses and special permits for community care facilities expire 12 months after issuance and may be renewed for a period not to exceed 2 years.

This bill would make the same requirements for licenses and permits for child day care facilities.

Existing law authorizes the State Department of Social Services to, among other things, revoke the license of a community care facility, as defined, by utilizing specified provisions administered by the Office of Administrative Hearings.

This bill, with respect to community care facilities and child day care facilities, would require the department to commence and process these licensure revocations in a timely and expeditious manner It would require the Office of Administrative Hearings to give priority to these licensure revocation hearings, particularly where the health and safety of clients are in question.

This bill would require that in all license or permit denial, revocation, and suspension proceedings, the standard of proof shall be by the preponderance of the evidence.

The bill would also add similar provisions relating to licensing elderly residential care facilities, to be operative only if SB 185 is chaptered

The bill would also provide that conviction of a licensee of additional specified crimes results in forfeiture of a license by operation of law. This provision would be operative only if SB 339 is chaptered.

Ch. 1537 (AB 1367) Margolin. Food adulteration

(1) Under existing law, various provisions define adulterated food and make it unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food that is adulterated Local health officers may be authorized by the State Department of Health Services to administer these laws.

This bill would provide that anyone who, during the course of business, knowingly adds any of various sulfite compounds to certain produce or seafood shall be deemed to have sold adulterated food and shall be subject to the provisions prohibiting adulteration. This would constitute a state-mandated local program with respect to local health officers administering the laws relating to adulterated food, and it would be a state-

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mandated local program because it creates a new misdemeanor.

Existing law requires food facilities adding sulfites to foods to display signs, labels, or menu statements.

This bill would delete that requirement. The State Department of Health Services and the counties would be required to notify wholesale and retail food facilities, as specified, of the ban on foods containing sulfites. The bill would also provide that the Legislature requests the State Department of Health Services to investigate, as specified, the use of sulfites on potato products used in food facilities, as defined

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 1538 (AB 2467) Statham Regional occupational centers and programs.

Existing law authorizes certain school districts, and the county superintendent of schools of each county, with the consent of the State Board of Education, or with one or more counties, to establish and maintain regional occupational centers and programs, as specified. Existing law provides procedures for the use of operating funds by regional occupational centers and programs

This bill would authorize a regional occupational program which meets prescribed criteria, to apply for apportionments as a necessary small regional occupational program, as prescribed. This bill would require the Superintendent of Public Instruction to annually certify the eligibility of a regional occupational program for funding under this bill, and to annually allocate regional occupational program small school service allocation funding in accordance with a prescribed schedule This bill would specify that nothing in this bill shall be construed to require an eligible regional occupational program to apply for funding under this bill, and would specify that these programs shall have the option of applying for funding under this bill, or using the standard regional occupational program apportionment system

This bill would specify that in the 1985–86 fiscal year, a school district that is eligible to receive an entitlement greater than that which it would receive under the standard regional occupational program apportionment system shall receive an apportionment equal to the standard apportionment plus one-half of the difference between the standard apportionment and the entitlement computed pursuant to this bill

This bill would specify that in fiscal years subsequent to the 1985–86 fiscal year, the prior year's apportionment under this bill shall be annually adjusted by the same cost-of-living increase provided to regional occupational programs through the standard apportionment system

The bill would reappropriate up to $540,000 from funds included for regional occupational centers and program growth under a specified item of the Budget Act for the 1985–86 fiscal year to Section A of the State School Fund commencing with the 1985–86 fiscal year for the purpose of funding the adjustments authorized by the bill and would declare the intent of the Legislature that funding for subsequent fiscal years be included in the annual Budget Act This bill would specify that funding for purposes of specified provisions of this bill shall be limited to $540,000 for the 1985–86 fiscal year, and would specify that if total claims exceed this amount, the difference shall be subtracted, on a pro rata basis, from the total entitlement computed for each necessary small regional occupational program

This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984.

Ch 1539 (AB 461) Elder Sales tax· mobilehomes.

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

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The law provides until January 1, 1987, that "sales price" for the purposes of the state and local sales and use taxes on the sale or use of a used mobilehome shall be based on the current value of the used mobilehome as determined by a recognized value guide, as specified, in connection with designated sales.

This bill would eliminate the January 1, 1987, repeal of the foregoing provisions.

This bill would provide that if the value guide does not specify the model or manufacturer of a used mobilehome, the "sales price" is required to be established pursuant to a specified provision of the value guide or the actual sales price, as defined, whichever is less.

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.

Ch 1540 (AB 332) Filante. Abandoned railroad lines: acquisition.

Under existing law, the Abandoned Railroad Account is created in the State Transportation Fund. The money in the account is available for the acquisition of certain abandoned railroad rights-of-way which may be developed for public transportation uses.

This bill would require the California Transportation Commission to make advances of available funds from the Transportation Planning and Development Account in the State Transportation Fund to cities, counties, transit operators, or the Department of Transportation for the purchase of abandoned railroad lines. The bill would prescribe procedures for the submission and evaluation of applications in accordance with specified criteria, and would require the commission to annually adopt a priority list for advances of funds The bill would require the advances to be repaid with interest, as specified, within 3 years

Ch. 1541 (AB 200) McAlister Liability

Existing law does not provide immunity from liability for a person who has an interest in real property for an injury or death that occurs upon that property during the course of or after the commission of any felony, or any attempt to commit a felony, by the injured or deceased person.

This bill would provide that an owner, including a public entity, as defined, having an interest in real property shall not be liable for any injury or death that occurs upon that property during the course of or after the commission of any of specified felonies, or any attempt to commit any of those felonies, by the injured or deceased person, if the injured or deceased person's conduct in furtherance of the felony was a proximate or legal cause of the injury, as specified However, this bill would not limit the liability of an owner or the owner's agent which otherwise exists for willful, wanton, or criminal conduct or for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity

Ch. 1542 (AB 138) Moore. Health. referrals by healing arts practitioners.

Existing law provides that it is unlawful for specified licensed healing arts practitioners to charge, bill, or otherwise solicit for payment from a patient on behalf of, or refer a patient to, an organization in which the licensee, or the licensee's immediate family, has a significant beneficial interest, unless the licensee first discloses in writing to the patient that there is such an interest and advises the patient regarding other alternative services, if available. Significant beneficial interest is defined as any financial interest equal to or greater than the lesser of 5% of the organization receiving the referral or a $25,000 interest in the organization. A violation of this provision is a misdemeanor

This bill would require the practitioner to advise, as specified, the patient that he or she may choose any organization for the purpose of obtaining the services ordered or requested by the licensee. This bill would also change the definition of significant beneficial interest by reducing the $25,000 amount to $5,000. Thus, the bill would impose

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a state-mandated local program upon local governments by changing the definition of the crime. The bill would provide that the phrase "significant beneficial interest" shall not apply to ownership of a building where the space is leased to the organization, as specified, or to any interest held in publicly traded stocks. The bill would also make an exception for certain specimen testing or referral of specimens from one clinical laboratory to another, under prescribed conditions.

The bill would specify that the disclosure requirements do not apply if the patient, customer, or his or her representative is receiving health care services from a licensee, organization, or entity pursuant to a prepaid capitated contract with the State Department of Health Services.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1543 (AB 140) Lancaster Public safety: medical treatment.

Existing law makes specific provision for illness or injury suffered by certain categories of public employees

This bill would impose a state-mandated local program by requiring prophylactic medical treatment for emergency medical technicians-I, emergency medical technicians-II, paramedics, lifeguards, firefighters, and peace officers who are exposed to contagious diseases while performing first aid or cardiopulmonary resuscitation services.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1544 (AB 94) O'Connell. Education: desegregation plans: gifted and talented pupils

(1) Existing law provides that any school district that did not file a specified claim, prior to July 8, 1985, for reimbursement for the costs of a voluntary program of desegregation incurred in the 1983–84 or 1984–85 fiscal year would not be eligible for that reimbursement.

This bill would specify that any such district would be eligible for reimbursement of voluntary desegregation program costs for the 1985–86 fiscal year and any fiscal year thereafter on the basis of audited desegregation costs incurred during the 1984–85 fiscal year, as specified.

(2) Existing law does not provide for a Gifted and Talented Pupil Program.

This bill would create a program to authorize specified school districts to offer special services to gifted and talented pupils, including pupils from economically disavantaged and varying cultural backgrounds.

This bill would require the State Board of Education to establish procedures for identifying gifted and talented pupils, and to define types of programs and activities that it deems appropriate for gifted and talented pupil programs.

This bill would require school districts that elect to provide any of those programs to submit a description of the proposed program to the State Board of Education.

This bill would prescribe a formula for funding gifted and talented pupil programs for districts that have more than 50 participating pupils, and would provide a specific allocation for districts with between 1 and 50 participating pupils, as specified.

This bill would require the Superintendent of Public Instruction to perform various administrative functions.

This bill would repeal these provisions on June 30, 1988, unless a later enacted statute, chaptered before that date, deletes or extends that date.

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

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Ch 1545 (AB 1090) McClintock. Mental health.

Under existing law, the State Department of Mental Health with respect to a state hospital under its jurisdiction, or the State Department of Developmental Services with respect to a state hospital under its jurisdiction, may in its own name, bring an action to recover for the use and benefit of any state hospital or for the state the amount due for the care, support, maintenance, and expenses of any patient therein, against any county, or officer thereof, or against any person, guardian, conservator, or relative, liable for that care, support maintenance, or expenses

This bill would require, if an action or claim is brought on behalf of a person who is or has been a recipient of services provided by the State Department of Developmental Services or the State Department of Mental Health in a state hospital, against a 3rd party for an injury, disorder, or disability, which resulted in the need for care, maintenance, or treatment in a state hospital, written notice of the action or claim be given to the Director of Developmental Services for hospitals under the jurisdiction of the State Department of Developmental Services, or the Director of Mental Health, for hospitals under the jurisdiction of the State Department of Mental Health It would make any judgment, award, or settlement arising out of that action or claim subject to a lien, except as specified, in favor of the Director of Mental Health or the Director of Developmental Services for the cost of state hospital care and treatment furnished with respect to the subject of the action or claim.

Ch 1546 (AB 982) O'Connell Education

(1) Existing law establishes a State Child Nutrition Fund, a continuously appropriated fund, to carry out the purposes of specified provisions relating to child nutrition and provides that the fund is to be administered by the State Department of Education under policies established by the State Board of Education Item 6100-201-001 of the Budget Act of 1985 provides that the funds appropriated by that item are not to be transferred to the Child Nutrition Fund; rather, disbursements are to be made from the General Fund for child nutrition programs.

This bill would abolish the State Child Nutrition Fund and state the legislative intent that the Child Nutrition Program is to provide permanent financial assistance to eligible school districts, county superintendents of schools, local agencies, private schools, parochial schools and child development programs, for implementing the school meal program, as specified The bill also would make conforming changes in the law

(2) Existing law specifies the amounts to be appropriated from the General Fund to the State Child Nutrition Fund

This bill would repeal those provisions

(3) Existing law requires the State Department of Education to make allowances on a monthly basis to school food authorities and child care food program sponsors from the State Child Nutrition Fund.

This bill would delete the reference to the State Child Nutrition Fund, would specify that the allowances for those who receive reimbursement for meals only from the state are to be made on an annual basis, and would delineate the procedure for reimbursement claims for those participants.

(4) Existing law prescribes a method for computing the transportation allowance for a school district or county superintendent of schools.

This bill would revise that formula.

Commencing in the 1985–86 fiscal year, this bill would require all revisions to prior fiscal year expenditure reports or any other documents, schedules, or reports that are used in determining transportation allowances, submitted by a school district or county office of education for purposes of receiving transportation allowances, and received by the Superintendent of Public Instruction after June 30, 1985, to be accompanied by a statement signed by the district or county office of education's independent auditor which certifies that the revisions correct errors contained in a document, schedule, or report previously submitted, and that the revised information is true and accurate

(5) Existing law requires any school district or county superintendent of schools ~~which~~ [that]* decides to discontinue its transportation services to transfer any unencumbered funds remaining in the transportation fund after the services are discontinued to the general fund of the district or county superintendent, and directs the Superintendent of Public Instruction to reduce the state apportionment to the district or county superintendent by the amount of funds so transferred

This bill would replace the references to the transportation fund in those provisions

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with references to the restricted home-to-school transportation account

(6) Existing law provides for an apportionment computed according to a specified formula to be provided as an incentive to school districts to provide a longer instruction year

This bill would revise the formula for that apportionment

(7) Existing law authorizes the Superintendent of Public Instruction to charge a fee for application for a [California high school equivalency certificate and for the administration of a]* general educational development test [,]* and continuously appropriates the proceeds of the ~~fee~~ [fees]* for support of the State Department of Education for expenses in administering the ~~test~~ [tests]* and in issuing certificates upon successful completion of the ~~test~~ [tests]*

This bill would authorize in the State Treasury a Special Deposit Fund Account consisting of those fees

(8) Existing law establishes the Educational Technology Local Assistance Program and provides that the program shall retain half of the income beyond the costs of production from any sale of part or all of material developed for the learning system, including computer program sales

This bill would authorize in the State Treasury a Special Deposit Fund Account consisting of the moneys collected from sales of educational computer software, as specified. The bill ~~also~~* would provide that the moneys so collected are continuously appropriated for the support of the State Department of Education for the purchase and reproduction of new computer education materials

[This bill would also authorize the Educational Technology Committee to contract for staff service in addition to those provided by the State Department of Education, from funds appropriated for educational technology local assistance This authority to expend previously appropriated funds for a different purpose would constitute an appropriation]*

(9) Existing law provides that a school that demonstrates an improved performance from the prior year, pursuant to a prescribed formula, shall earn incentive funding in the fiscal year in which the performance improvement occurred

This bill would provide the formula to be used for incentive funding if a school's composite rating for the prior year is below its rating for the 1983–84 fiscal year.

(10) Existing law directs the Superintendent of Public Instruction to compute a districtwide total of incentive funding earned by individual schools located within each school district and to include that sum in the school district's second principal apportionment for the fiscal year in which the incentive funding was earned

This bill would permit funds allocated pursuant to those provisions to be expended without regard to fiscal year.

(11) Existing law requires the State Department of Education to develop procedures for the 12th grade for the proctoring of tests administered as part of the testing program by persons not employed by the school district administering the test

This bill would require the department to elicit assistance from geographically distributed county offices of education in developing and implementing those procedures

(12) Existing law authorizes the provision of special education programs for individuals with exceptional needs residing in state hospitals, as prescribed Existing law prescribes the formula under which the State Department of Developmental Services is required to provide funds to county superintendents of schools for these programs.

This bill would repeal the provisions of current law and would revise the method for the disbursement of these funds

(13) Under existing law, the governing board of a school district which receives an annual apportionment for the purpose of purchasing instructional materials for pupils in grades 9 to 12, inclusive, is required to use those funds solely for that purpose

This bill would define instructional materials for the purpose of those provisions

(14) Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs. These programs, as presently maintained, cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise If the Legislature does not enact that legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative The provisions governing the demonstration programs in reading and mathematics will cease to be operative on June 30, 1986

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This bill would change the date on which the demonstration programs in reading and mathematics become inoperative to June 30, 1990.

(15) Existing law provides for apprenticeship as an approved program of training through employment and through education in related and supplemental subjects

This bill would authorize in the State Treasury a Special Deposit Fund Account consisting of moneys collected from the sale of instructional material to persons enrolled in any apprenticeship training program, as specified, and would provide that the moneys collected are to be appropriated without regard to fiscal year for the support of the State Department of Education to be used for the development and production of apprenticeship instructional material

~~(16) Under existing law, the Educational Technology Committee is not authorized to contract for staff services in addition to those provided by the State Department of Education.~~

~~This bill would grant this authorization, to be funded by funds appropriated for educational technology local assistance. This authority to expend previously appropriated funds for a different purpose, would constitute an appropriation.~~*

Ch. 1547 (AB 713) Johnson. Workers' compensation: uninsured employers.

Existing law permits liens to be filed by the Director of Industrial Relations against an employer to recover the amount of a worker's compensation award to an injured employee when made from the Uninsured Employers Fund.

Existing statutes do not, however, contain notice, hearing, and review provisions concerning these liens

This bill would provide that before such a lien may be filed, the director shall make a prima facie determination that the employer is illegally uninsured.

The bill would require an employer to be notified when a prima facie determination is made that the employer is illegally uninsured.

The bill would permit the employer to appeal the determination to the Workers' Compensation Appeals Board, and to seek judicial review.

The bill would also apply these lien requirements to substantial shareholders of corporations or corporate parents, as specified

Ch. 1548 (AB 1360) Connelly. Juvenile court law. dependent children.

Existing law specifies the grounds on which a minor may be adjudged to be a dependent child of the juvenile court. One of those grounds is that the minor is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising care or control, or has no parent or guardian actually exercising care or control The law prohibits a finding of parental incapacity to exercise care or control solely because of a physical disability, unless the court finds that the disability prevents the parent from exercising care or control.

This bill would revise the above provisions relating to parental incapacity by deleting the provisions relating to the prohibition against the finding of parental incapacity to exercise care or control solely because of a physical disability, unless the court makes the specified finding. The bill also would make a statement of legislative intent in this regard

Ch. 1549 (AB 1320) Bradley. Courts: personnel

(1) Existing law specifies the number and compensation of superior court officers and employees in Los Angeles County, including commissioners and referees.

This bill would reduce the number of superior court commissioners and referees in Los Angeles County

(2) Existing law specifies the compensation of judges of the superior and municipal courts.

This bill would provide that in addition to any other compensation and benefits, each judge of the superior and municipal court in San Diego County shall receive the same life insurance, accidental death and dismemberment insurance, comprehensive annual physical examinations, and dental and vision insurance as provided by the County of San Diego for the classification of chief administrative officer, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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(3) Existing law specifies the number, compensation, and classification of municipal court employees in San Diego and Sonoma Counties

This bill would revise the number, compensation, and classification of municipal court employees in San Diego and Sonoma Counties, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law specifies the number, compensation, and qualifications of the officers and employees of the Stanislaus County Municipal Court.

This bill would authorize the judges of the Stanislaus County Municipal Court to appoint one commissioner, and would specify the compensation and qualifications therefor, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1550 (AB 2014) N. Waters Obscene matter.

Under existing law, every person who writes, creates, or solicits the publication or distribution of advertising or other promotional material, or who in any manner promotes the sale, distribution, or exhibition of matter represented or held out by the person to be obscene, is guilty of a misdemeanor.

This bill would make it a felony with a specified punishment to advertise for sale or distribution any obscene matter knowing that it depicts a person under the age of 18 personally engaging in or personally simulating sexual conduct, as defined. However, the above proscribed conduct would not apply to the activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

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

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1551 (AB 1934) Bates. Mental health.

Existing law requires that money or proceeds from a sale of property seized and forfeited in controlled substance cases be distributed by a state or local governmental entity to certain state or local agencies in specified percentages. Included among those agencies receiving funds is the State Department of Mental Health for primary prevention programs in community mental health programs.

This bill would revise that distribution in a specified manner and would provide for the funds allocated to the department to be deposited in the Mental Health Primary Prevention Fund which would be created in the State Treasury and continuously appropriated to the department

Under existing law, relating to community residential mental health treatment programs, counties may apply to the state for funds for various programs. Among these programs are noninstitutional day treatment programs which may include community vocational training programs

This bill would delete this authorization concerning community vocational training programs, and provide instead that counties may apply for funds for a continuum of vocational services meeting certain criteria. The bill would specify that these provisions of law relating to programs in the community residential treatment system shall not be construed to limit the services of the Department of Rehabilitation to the mentally disabled.

Existing law establishes a system of school-based primary prevention projects for the early detection and prevention of emotional, behavioral, and learning problems. This bill would revise various provisions of existing law to permit local mental health programs as well as school districts to apply for primary prevention grants and to establish primary prevention projects.

Existing law requires the State Department of Mental Health to review each primary

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prevention project at the end of one year of operation. This bill would provide for a review of each project at least once during the 1st year of operation and thereafter as necessary

Existing law requires the State Department of Mental Health to apply to the National Institute of Mental Health for funds for training of school personnel and aides at selected sites relating to projects for the early detection and prevention of emotional, behavioral, and learning problems in primary grade children.

This bill would provide that if no funds are forthcoming from the National Institute for Mental Health funds may be appropriated as specified. The bill would further provide that the training may be done under contract as specified.

This bill would incorporate changes in Section 11489 of the Health and Safety Code prepared by AB 915 to be operative only if both bills are chaptered and this bill is chaptered after AB 915.

Ch 1552 (AB 1922) Bates. Aid to Families with Dependent Children: eligibility.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which cash assistance is provided to families in need of support due to various circumstances One of the grounds for eligibility is that a family is in need of support due to the divorce, separation, or desertion of a parent, and the resultant continued absence of a parent from the home for these or other reasons.

This bill would, instead, provide that one of the grounds for eligibility is the continued absence of a parent from the home due to divorce, separation, desertion, or any other reason, except absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States It would specify the circumstances under which a continued absence exists for purposes of this bill.

Since each county is required to pay a share of AFDC aid grant and administrative costs, and since this bill would lead to increased costs through the altering of eligibility requirements for the AFDC program, this bill would create a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch 1553 (AB 2316) Alatorre. Biomedical and behavioral research.

Existing law regulates the conduct of biomedical and behavioral research on prisoners.

This bill would prohibit biomedical research on prisoners.

Existing provisions relating to biomedical and behavioral research are administered by the Institutional Review Board.

This bill would eliminate that board, and its functions would be assumed by the Department of Corrections

The bill would make related changes.

Ch. 1554 (AB 2124) Alatorre. Redevelopment.

Under the existing Community Redevelopment Law, whenever a redevelopment project causes the destruction or removal of dwelling units from the low- and moderate-income housing market, the community redevelopment agency is required to rehabilitate, redevelop, or construct an equal number of replacement dwelling units at affordable housing cost for rental or sale to persons and families of low or moderate income within the project area or within the territorial jurisdiction of the agency.

This bill would, instead, require the agency to rehabilitate, redevelop, or construct these units within the territorial jurisdiction of the agency.

Existing law requires that at least 30% of all new or rehabilitated dwelling units developed within the project area by the agency be available at affordable housing cost to persons and families of low or moderate income and that a certain percentage of those units be available exclusively to very low income households

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This bill would require that the specified percentage of new or rehabilitated dwelling units developed by the agency be available at affordable housing cost to those persons and families or households whether the units are developed within the project area or within the territorial jurisdiction of the agency.

Ch 1555 (AB 2289) Wright. Security deposits: landlord and tenant.

(1) Existing law requires a landlord who retains all or a portion of the tenant's security deposit to furnish the tenant an itemized written statement of the basis for, and disposition of, the security within 2 weeks after the tenant has vacated the premises, together with a refund of the remaining unused security. Under existing law, bad faith retention of a security deposit may subject a landlord or a landlord's transferee to penal damages not exceeding $200, in addition to actual damages.

This bill would make a landlord failing to comply with the above requirements respecting security deposits liable to the tenant for interest on the security at 2% a month until paid

(2) Under existing law, a security deposit may be used to repair damage caused by the tenant, excluding normal wear and tear.

This bill would clarify that the security deposit may be used to repair damage caused by the tenant's guests and invitees, and would specify damage and wear and tear for which the security is not liable.

(3) Under existing law, security may only be used to remedy defaults in rent payments, repair specified damages, and clean the premises upon termination of tenancy.

This bill would expressly specify certain damages and defective conditions for which the landlord may not use the security or otherwise claim against the tenant

(4) The bill would declare the changes described in (2) and (3) above to be declaratory of existing law. The bill would make the changes described in (1) above applicable to leases and other tenancies of residential property terminated on or after January 1, 1987.

This bill would amend Section 1950.5 of the Civil Code to incorporate the changes proposed by both this bill and AB 1677 if both bills are enacted and are effective January 1, 1986, and this bill is enacted last.

Ch. 1556 (AB 2279) Hill Carriers

(1) Existing law defines "between fixed termini or over a regular route" as applying to the termini or route between which, or over which, a highway common carrier or passenger stage corporation operates

This bill would delete the reference to highway common carriers

(2) Existing law requires common carriers and telegraph and telephone corporations to file with the Public Utilities Commission a schedule of rates for transporting persons or property or the transmission of messages or conversations.

This bill would delete this requirement for common carriers.

(3) Existing law imposes requirements upon public utilities concerning the issuance of stock and bonds and the transfer or encumbrance of property. Existing law specifies that these provisions do not require certain carriers, including highway common carriers and cement carriers, to secure the commission's authority for specified conditional sales contracts.

This bill would revise this provision to exempt highway common carriers and cement carriers from all of these requirements.

Ch. 1557 (AB 2268) Elder. Barbering.

Existing law provides for the regulation and licensing of persons engaged in the practice of barbering and provides that the State Board of Barber Examiners shall administer those provisions of law

This bill would revise those provisions by, among other things, (1) authorizing the executive officer or agents of the board to inspect an apprenticeship training program, (2) revising the definition of the practice of barbering by specifying that the practice of chemical waving is included in the practice of barbering and by deleting the exclusion of permanent waving from that definition, (3) making it unlawful to serve as an apprentice under the supervision of a barber and in the employ of a barbershop owner without being a registered apprentice, (4) providing for the issuance of a temporary permit to

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operate a barbershop upon receipt of a completed application, and (5) providing that a false statement on specified documents by a barber is grounds for disciplinary action.

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1558 (AB 2199) Felando Fish: drift gill nets: shark and swordfish

(1) Existing law restricts the use of drift gill nets used to take shark and swordfish commercially under 2 different permit requirements, as specified.

The drift gill net shark and swordfish permit provisions, effective until January 1, 1988, require nets used under that permit to be out of the water 2 hours after sunrise to 2 hours before sunset, restricts the length of a net to 6,000 feet, and the minimum mesh size to 14 inches and requires specified marking. This permit does not permit taking from February 1 to April 30. From May 1 to September 15, the permit authorizes that taking if the amount of swordfish landed does not exceed the amount of specified shark landed, and permits swordfish to be taken, without limitation, from September 16 through January 31 Specified areas are closed to drift gill nets used under that permit, and a permittee may take shark or swordfish north of Point Arguello without the swordfish permit discussed below Existing law also prohibits the use of drift gill nets to take shark or swordfish from February 1 to April 30

Under existing law establishing an experimental limited entry swordfish fishery, effective until February 1, 1988, a drift gill net swordfish permit is required to take swordfish north of Point Arguello, unless the person has a drift gill net shark and swordfish permit discussed above. However, this permit authorizes that taking from September 15 to January 31, inclusive.

This bill would conform the season under a drift gill net swordfish permit to the season of August 15 to January 31, inclusive, of the drift gill net shark and swordfish permit and would extend the effective period of the permit provisions to January 1, 1991, thereby imposing a state-mandated local program during the extended period. The bill would change the required deadlines for submitting applications to the department, as specified, and the date of the drawing, if any, for new permittees. The bill would also make a technical correction to those provisions.

The bill would require a fee of $100 to accompany a request for a transfer of a drift gill net shark and swordfish permit to another vessel and, except as specified, require proof of compelling reasons for the transfer to be submitted with the request.

The bill would prohibit a person holding a drift gill net shark and swordfish permit from having on the permittee's vessel or in the water a drift gill net of specified size and from deploying a drift gill net with smaller mesh size when the permittee has a shark or swordfish gill net, as defined in the bill, deployed.

The bill would also impose a state-mandated local program by revising the seasons for the drift gill net shark and swordfish permit to permit taking swordfish from May 1 to June 1, inclusive, and from August 15 to January 31, inclusive, and would delete the conditions for shark landings and the season for conditional landings of swordfish based on equivalent landings of specified shark The bill would also prohibit use of drift gill nets to take shark or swordfish from December 15 through January 31 within 25 nautical miles of the mainland coastline. The bill would prohibit the use of drift gill nets within 75 nautical miles of the mainland coastline between June 1 to August 14, inclusive, and would authorize landings of shark and swordfish taken during that closure period greater than 75 miles from the mainland and coastline under specified conditions, and would specify required, additional, penalties for a violation of those conditions.

The bill would also revise the amount of shark and swordfish net which may be on board a permittee's vessel, as specified, and the bill would revise the prohibition on having that net in the water during the period between 2 hours after sunrise until 2 hours before sunset.

(2) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

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Because this bill would make the money available for a new purpose and would provide new revenues to that fund, it would constitute an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating, and by changing the definition and penalties of, crimes

The bill would provide that no reimbursement is required by this act for a specified reason.

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

Ch. 1559 (AB 2184) M Waters Hazardous materials: disclosure

Existing law provides for the collecting and reporting of information regarding hazardous substances and hazardous waste

This bill would require the Secretary of the Environmental Affairs Agency to prepare a report on hazardous materials data, as specified, and to submit the report to the Governor and the Legislature by October 1, 1986.

The bill would require the Legislative Analyst to review the report, as specified

The bill would appropriate $210,000 from the General Fund, [with]* $200,000 allocated to the secretary and $10,000 allocated to the Legislative Analyst, for purposes of the bill.

The bill would take effect immediately as an urgency statute.

Ch. 1560 (AB 2064) Lancaster. Escrow agents

(1) Existing provisions of the Escrow Law require that applicants for the license of escrow agent deposit with the Commissioner of Corporations a bond in the amount of $10,000.

This bill would increase that amount as specified, and provide that persons currently licensed as escrow agents shall, on or before July 1, 1986, provide a bond in the specified amount. The bill would authorize an applicant to obtain an irrevocable letter of credit, approved by the commissioner, or to deposit a cash bond, as specified, in lieu of a bond.

(2) The Escrow Law currently requires an escrow agent to maintain a tangible net worth of at least $10,000, including liquid assets of at least $10,000 in excess of its current liabilities

This bill would, instead, require an escrow agent licensed on or after January 1, 1986, to maintain a tangible net worth of $50,000, including liquid assets of at least $25,000 in excess of current liabilities. Escrow agents licensed prior to that date would be required to maintain a tangible net worth according to a specified schedule which would increase to $50,000 as of July 1, 1993, including liquid assets of at least $25,000 in excess of current liabilities.

(3) Under existing Escrow Law, the Escrow Agents' Guaranty Corporation is authorized to have independent authority to investigate claims filed by members

This bill would change the name of the Escrow Agents' Guaranty Corporation to the Escrow Agents' Fidelity Corporation and would, with respect to the investigation of the business practices of a member's handling and processing of trust obligations, require Fidelity Corporation to report the results of the investigation to the commissioner together with the recommendations of the Board of Directors of Fidelity Corporation.

(4) With respect to the Escrow Law, the bill would also do all of the following.

(a) Require a new application for licensure prior to the transfer of 50% or more of the shares of an escrow agent

(b) Authorize the commissioner to require a member of Fidelity Corporation to purchase a fidelity bond for purposes of covering specified losses.

(c) Revise provisions relating to payment of membership fee.

(d) Revise provisions relating to advertising referring to Fidelity Corporation

(e) Revise provisions relating to orders for disbursement of trust funds which may be issued by the commissioner.

(5) The bill would also require the Commissioner of Corporations to submit a report to the Legislature concerning an increase in tangible net worth of licensed escrow agents above $25,000, as specified.

(6) Existing provisions of the Escrow Law provide for misdemeanor and civil penalties, as specified The misdemeanor provision may be punishable by imprisonment in

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county jail not to exceed 6 months.

This bill would increase the maximum criminal penalty from a misdemeanor to a felony. The bill would also provide for civil penalties

The bill would also specify that a misdemeanor violation may result in imprisonment in county jail not to exceed one year. This enhancement of a misdemeanor penalty would result in a state-mandated local program

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

(8) The bill would take effect immediately as an urgency statute, however, specified provisions would become operative on January 1, 1986.

Ch. 1561 (AB 2550) Peace Telephone corporations· information-access telephone service

(1) Under existing law, the rates, charges, and conditions of service of telephone corporations are subject to the jurisdiction and control of the Public Utilities Commission. There is presently no law governing the commission's regulation of extra-charge recorded-message or computer-interactive telephone calls.

This bill would direct the commission to require telephone corporations, on and after July 1, 1986, or other date specified by the commission, to offer residential subscribers the option of deleting access to "976" information-access telephone services and to establish a charge to the subscriber, not to exceed $5, for the exercise of this option. The bill would direct the commission to require that any unrecompensed costs in this regard be borne by information-access telephone services providers rather than residential telephone subscribers.

The bill would direct the commission to require telephone corporations and information-access services providers to institute methods of handling subscriber complaints concerning these services, including provision for a waiver of the charges for use of the services for a first-occasion inadvertent or mistaken use

The bill would make these provisions inoperative on July 1, 1988, and would repeal them as of January 1, 1989.

(2) The bill would direct the commission, as part of a related ongoing investigation, to investigate and adopt necessary rules or orders with respect to information-access services concerning unrecompensed costs of deletion of access, advertising, prohibited and permitted services, separate tariff for computer-interactive services, and message-content review The bill would direct the commission to complete its investigation and report to the Legislature thereon on or before March 1, 1986.

(3) The bill would also state the intent of the Legislature in enacting these provisions.

Ch 1562 (SB 1473) Campbell States of emergency

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, in addition, would establish within the Reserve for Economic Uncertainties a Disaster Response-Emergency Operations Account for allocation by the Director of Finance, upon an order of the Governor, to any state agencies for costs incurred related to emergencies, as defined, declared by the Governor. The account would remain operative only until June 30, 1988

This bill would also appropriate $20,000,000 from the Reserve for Economic Uncertainties to the Disaster Response-Emergency Operations Account.

The bill would take effect immediately as an urgency statute.

Ch 1563 (SB 1139) Keene Marijuana laws: county costs

(1) Existing law provides for the forfeiture of property seized in connection with a controlled substance offense, upon the conviction of a defendant for that offense. Existing law does not provide for the forfeiture of seized property with respect to which no prosecution of a defendant results

This bill would provide that seized personal property suspected of being used in the

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unlawful planting, cultivation, harvesting, drying, processing, or transporting of marijuana, and with respect to which no prosecution of a defendant results, shall, under certain circumstances, be deemed abandoned and may, after notice is given, be disposed of by sale or transfer, as specified

(2) Existing law provides for various crimes involving marijuana

This bill would make specified legislative findings and declarations relative to the costs associated with marijuana production

The bill would appropriate $1,250,000, as scheduled, from the General Fund to the Controller for distribution in fiscal year 1985–86, to specified counties for costs associated with marijuana production

This bill would appropriate (1) $1,500,000 to sheriffs' departments of specified counties for marijuana eradication and investigation, as specified, (2) $6,000 to the Department of Fish and Game for distribution of a brochure on the dangers of marijuana gardens to hunters and fishermen, and (3) $178,000 to the Office of Criminal Justice Planning for allocation under the California Major Narcotic Vendors Prosecution Law to the district attorneys of specified counties for the prosecution of crimes involving controlled substances, including marijuana The Office of Criminal Justice Planning would be authorized to retain up to 5% of the sums described in (3) above, for administrative expenses.

(3) Existing law permits emergency appointments by governmental agencies for a duration not to exceed 60 working days

This bill would authorize the Attorney General to make emergency appointments to the Campaign Against Marijuana Planting which may exceed 60 working days but which shall not exceed 100 working days.

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

Ch. 1564 (SB 71) B. Greene. Job tax credits.

Until December 31, 1984, existing provisions of the California Personal Income Tax Law and Bank and Corporation Tax Law authorize a credit for the employment of certain persons by the taxpayer under the California Jobs Tax Credit Act of 1979

This bill would continue until December 31, 1985, or the date upon which the federal targeted jobs tax credit expires, whichever is later, the credit against these taxes in an amount equal to 10% of the amount of wages, not to exceed specified limitations, paid to certain individuals during the first 2 years of employment within specified limits, as certified by the Employment Development Department.

This bill would specify that the Employment Development Department shall administer certain provisions of the credit authorized by this bill, except those functions reserved to the Franchise Tax Board and would require the Employment Development Department to report annually to the Legislature.

This bill would provide for a tax levy and would take immediate effect although the operative date of the act would depend on its effective date.

Ch. 1565 (SB 1475) Boatwright Exchange of state lands.

Existing law generally vests management and control of state lands in the Department of General Services.

This bill would authorize the Director of General Services to enter into negotiations with the City of Concord on behalf of the Military Department to exchange certain state-owned real property for certain real property owned by the City of Concord and for the improvement of that property with an armory facility for use by the California National Guard.

This bill would take effect immediately as an urgency statute

Ch 1566 (SB 1459) Robbins. Motor vehicle franchises

(1) Under existing law, a franchisor, as defined, who seeks to enter a franchise to establish or relocate a motor vehicle dealership under specified conditions is required to notify the New Motor Vehicle Board and other franchisees in the relevant market area. This requirement does not apply to the establishment of a branch office for selling vehicles at a fair, exposition, or similar event that does not exceed 30 days.

This bill would change that exception to, instead, except any display of vehicles at such an event if no actual sales are made at the event and the display does not exceed 30 days.

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(2) Under existing law, the reopening in a relevant market area of a dealership that has not been in operation for one year or more is deemed to be the establishment of an additional dealership and, thus, subject to the jurisdiction of the board On the other hand, the relocation of an existing dealership which is less than one mile from the existing location of the dealership to a location within the same relevant market area within the same city where the existing dealership is located is not subject to the jurisdiction of the board

This bill would provide, instead, that the reopening of a dealership, regardless of location in a relevant market area, that has not been in operation for one year or more is deemed to be the establishment of an additional dealership and, thus, subject to the jurisdiction of the board. The bill would also provide that the relocation of an existing dealership to any location which is both within the same city as, and is within one mile from, the existing dealership location is not subject to the jurisdiction of the board. Similarly, the establishment of any location which is both within the same city as, and is within ¼ mile from, the location of a dealership of the same line-make that has been out of operation for less than 90 days would not be subject to the jurisdiction of the board.

(3) Under existing law, a holder of a vehicle dealer's license is prohibited from certain business practices, a violation of which is a misdemeanor.

This bill would, additionally, make it unlawful for a dealer to advertise for sale any new motor vehicle, except specified vehicles, of a line-make for which the dealer does not hold a franchise unless the dealer makes specified disclosures prior to sale.

(4) Since a violation of these prohibitions and requirements would be a crime under existing law, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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

Ch 1567 (SB 1438) Rosenthal Workers' compensation: death benefits

Existing law provides that when a workers' compensation injury causes the death of an employee, the employer is liable for the reasonable expenses of the employee's burial, not exceeding $1,500, among other things.

This bill would provide that in these cases the employer is liable for the reasonable expenses of the employee's burial, not exceeding $2,000, rather than $1,500, except with regard to local public agencies, which shall be liable only for expenses of the employee's burial not exceeding $1,500, unless the local public agency agrees to provide reasonable expenses of burial for employees in an amount not exceeding $2,000

This bill would impose a state-mandated local program by requiring local public agencies to meet and confer with employee organizations under existing provisions with regard to whether or not the local agency employer will pay burial expenses of employees in an amount not exceeding $2,000, rather than an amount not exceeding $1,500

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would not make any specific provision respecting that requirement or those provisions.

Ch. 1568 (SB 1418) Bergeson. Schools: pupil testing.

This bill would reappropriate $600,000 from certain funds to be utilized by the State Department of Education for the development of a revised CAP test instrument for grade 12 during the 1985–86 fiscal year. The bill would also authorize the department to expend up to $550,000 of certain funds appropriated by the Budget Act of 1984 to develop and implement a CAP test instrument for the 8th grade

This bill would take effect immediately as an urgency statute.

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Ch. 1569 (SB 861) McCorquodale. Public social services

Under existing law, grant payments to recipients of aid under the Aid to Families with Dependent Children program may be adjusted for prior overpayments, if permitted by federal law. In these cases grant payments may be reduced to a level no lower than 90% of the grant, when added to the family's liquid resources and income, appropriate to families in similar conditions to the assistance unit being adjusted, unless the overpayment was caused by agency error, in which case the grant may be reduced to a level no lower than 95% of the appropriate grant level, as defined above.

This bill would instead provide that in overpayment cases due to agency error the recipient's net income, as defined, rather than the recipient's income, shall be used to calculate a family's grant reduction.

Since this bill would create instances in which AFDC aid grants would be greater than they are under existing provisions of law, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section, therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill

Ch. 1570 (SB 100) Maddy Aid to Families with Dependent Children. unemployed parents

Under existing law, parental unemployment is one of the grounds upon which aid under the Aid to Families with Dependent Children program may be received

Existing law further provides that unemployed parents who do not meet criteria for receiving aid grants under federal law may be able to receive aid for a limited period of time if they meet specified criteria provided for in the State-Only AFDC-U program

This bill would require the State Department of Social Services to seek waivers from the federal government in order to revise the definition of "unemployed parent," as specified, and to allow one county to be designated as a pilot county to demonstrate the effect of this revised definition.

The bill would also require the State Department of Social Services to institute, as soon as administratively possible, the demonstration program described above and, as part of this demonstration program, a program under the State-Only AFDC-U program, all of which shall be established in addition to any refugee demonstration programs provided for during the 1983–84 Regular Session.

The bill would require the department to report to the Legislature the results of the demonstration program.

Ch. 1571 (SB 1380) Royce. Public Employees' Retirement System. reports-service credit.

Existing provisions of the Public Employees' Retirement Law require the Board of Administration of the Public Employees' Retirement System to file an annual report to the Governor and to the Legislature on all matters under the jurisdiction of the board, including benefits, programs, practices, procedures, trends, and developments in the field of retirement on the 1st working day of the calendar year.

This bill would delete the above provisions concerning what the annual report shall include and would delete the requirement that the report shall be filed on the 1st working day of the calendar year

The existing Public Employees' Retirement Law authorizes the granting of service credit in the Public Employees' Retirement System (PERS) for service while absent on military service; authorizes members to receive service credit as "public service" for time employed by various public agencies if the member pays prescribed contributions and interest; and permits local members to receive credit as "public service" for military service prior to local employment if that benefit is made available by their employer

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This bill would include, for the PERS, as "public service," time, not to exceed 5 years, during which any state member, other than a university member, served as a prisoner of war and during subsequent related hospitalization or during a specified period in the armed forces with specified disabilities incurred during a war, provided that the member is, at the time of election, a state member, other than a university member, with at least 10 years of service credit and pays specified contributions.

Ch. 1572 (SB 1358) Carpenter. Child abuse.

(1) Existing law provides that hearsay evidence is inadmissible in a court of law unless the statement falls within a statutory exception to the hearsay rule

Existing law provides that notwithstanding any other provision of law, for the purpose of establishing the elements of certain sexually oriented crimes involving minors under the age of 12, a court may determine that the out-of-court statement of the minor may be admitted for the purpose of establishing the elements of those crimes so that the confession of a person so accused may be admitted into evidence if, among other things, the minor child is found to be unavailable, as specified, or refuses to testify.

This bill would add an additional circumstance under which the minor may be found to be unavailable for that purpose.

(2) Existing law requires certain classes of persons to report known or suspected instances of child abuse. Failure to do so is a misdemeanor

This bill would expand the definition of one of those classes of persons required to report, child care custodians, to include persons who are administrators or presenters of, or counselors in, child abuse prevention programs in the public or private schools, thus establishing a state-mandated local program.

Existing child abuse reporting laws require a child protective agency to make information obtained from the Department of Justice regarding cases of known or suspected child abuse instances available to, among others, reporting medical practitioners, as defined. Under existing law, marriage, family and child counselors are currently included in the definition of "nonmedical practitioner," and not "medical practitioner."

This bill would substitute the term "health practitioner" for the terms "medical practitioner" and "nonmedical practitioner." The bill would include in the definition of "health practitioner," marriage, family and child counselors, trainees, and interns The bill would impose a state-mandated local program because child protective agencies would be required to make certain information available to marriage, family and child counselors, trainees, and interns based upon the revised definition of "health practitioner "

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

The bill would take effect immediately as an urgency statute

Ch. 1573 (SB 29) Seymour. Taxation: gain or loss recognition

Existing provisions of the Personal Income Tax Law generally provide for the recognition of gain or loss to a taxpayer upon the disposition of property, with certain exceptions applicable to specified sales or exchanges

This bill would provide that no gain shall be recognized for purposes of taxes imposed by that law upon the sale by a taxpayer of a mobilehome park to a majority or more of the residents, as defined, thereof if the taxpayer has not previously sold a mobilehome park to the residents thereof within the same taxable or income year and all of the proceeds from the sale are reinvested in residential real property, other than a personal residence, in this state within 2 years after the sale

This bill would provide for adjustments in the basis of that residential real property purchased with the proceeds of the sale of a mobilehome park for which gain is not recognized pursuant to this bill This bill would also provide for certain modifications with respect to the assessment of deficiencies as they apply to the bill's nonrecognition

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provisions

This bill would take effect immediately as a tax levy. However, its provisions would be applicable to sales completed on or after January 1, 1986, and no later than December 31, 1988.

Ch. 1574 (SB 1406) Petris. Real property transfers. disclosure.

Existing law prescribes various rights and remedies of parties to a real estate sales transaction, as well as various obligations of real estate licensees and escrow agents.

This bill would, with certain exceptions, require specified written disclosures to be made to prospective transferees of real property improved with 1 to 4 dwelling units in a sales transaction, lease with option to purchase, or ground lease coupled with improvements The obligation to make the required disclosures would generally be the responsibility of the transferor or the transferor's agent If more than one real estate broker acts in the transaction, the broker obtaining the prospective transferee's offer would be required to deliver the written disclosures to the transferee unless the transferor gives other written instructions for delivery If the responsible broker cannot obtain the required disclosures and they are not otherwise delivered or waived, the broker would be required to advise the prospective transferee of his or her rights under the bill

Under the bill, transferors would be required to make a record of compliance with the disclosure requirements, as specified Violations of the bill would not invalidate transfers subject to the bill, but violators would be liable to the transferee for actual damages. Neither the transferor nor his or her agent would be liable for errors, inaccuracies, or omissions in the disclosures required by the bill if not within the personal knowledge thereof and based upon specified information that was obtained and transmitted with ordinary care

The bill would become operative January 1, 1987

Ch. 1575 (AB 2209) Vicencia 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 provide that animal control officers have the powers of arrest and the power to serve warrants, as specified.

Ch 1576 (SB 361) Deddeh San Diego County· transportation

(1) Under existing law, contracts let by the San Diego Metropolitan Transit Development Board for construction in excess of $20,000, with a specified exception, are required to be awarded to the lowest responsible bidder submitting a responsive bid after competitive bidding. Existing law also requires the board to seek a minimum of 3 quotations, as specified, when letting a construction contract in excess of $1,000 and less than $20,000.

This bill would delete an obsolete provision regarding the award of board contracts. The bill would authorize the board to administer systems, facilities, and services under the name of the San Diego Metropolitan Transit System

(2) Existing law relating to the board contains various references to the San Diego Transit Corporation and makes the operation of other statutes contingent on the acquisition of the corporation by the board

This bill would delete the references to the corporation, delete language that makes the operation of other statutes contingent on the acquisition of the corporation by the board, and make other conforming changes

(3) Under existing law, violation of any regulation of the board prohibiting unauthorized interference with transit facilities is an infraction for the first violation and a misdemeanor for subsequent violations. Existing law does not specifically prescribe a punishment for violation of a board regulation that prohibits loitering in or about transit facilities

This bill would include loitering in or about transit facilities with the activities that are punishable as an infraction for the first violation and a misdemeanor for subsequent violations, thereby imposing a state-mandated local program

(4) Under existing law, there is no public entity designated as the San Diego County Regional Transportation Commission

This bill would create the commission and would require the San Diego Association

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of Governments Board of Directors to serve as the commission. The bill would specify the powers and duties of the commission regarding transportation matters in the county. The bill would authorize the commission to impose a transactions and use tax at a rate not exceeding 1%, if approved by a majority vote of voters voting on the measure at an election called by the commission. The bill would also authorize the commission to issue bonds payable from the proceeds of the tax, as specified.

The bill would impose a state-mandated local program by requiring San Diego County to conduct the election on the transactions and use tax.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 1577 (AB 2483) Peace. California Main Street Program

Existing law establishes a Department of Commerce within the Business, Transportation, and Housing Agency of state government to carry out specified duties and programs relating to business and economic development

This bill would establish a California Main Street Program to provide technical assistance and training to specified public and private entities in small cities and communities to accomplish community and economic revitalization and development of older central business districts and neighborhoods.

The bill would appropriate $250,000 from the General Fund to the California Main Street Program Fund, which the bill would establish, and would appropriate the same amount from this new fund to the Department of Commerce for the purpose of operating the program in the 1985–86 fiscal year.

The bill would take effect immediately as an urgency statute.

Ch 1578 (AB 2393) Filante Professional corporations.

Under existing law, various professional groups, such as physicians and surgeons, dentists, and attorneys, are authorized to form professional corporations The Moscone-Knox Professional Corporation Act specifies the method of forming such a corporation. Existing law does not authorize veterinarians to form a professional corporation.

This bill would authorize the practice of veterinary medicine through veterinary corporations registered with the Board of Examiners in Veterinary Medicine, as specified. The board would have specified regulatory powers over veterinary corporations.

The bill would specify that violation of any of these provisions as well as of specified other provisions of law is a misdemeanor, thus establishing a state-mandated local program.

This bill also would amend a provision of the Moscone-Knox Professional Corporation Act to include a reference to a professional corporation rendering services by persons licensed by the Board of Examiners in Veterinary Medicine in an exception to the rule that a professional corporation must obtain a certificate of registration from the governmental agency regulating the profession in order to render professional services.

The bill also would provide that the law relating to professional corporations is not applicable to corporations organized under the General Corporation Law, as specified

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1579 (AB 2397) Filante. Medi-Cal

Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Under existing law, an applicant or recipient who resides in an area served by a prepaid health plan or pilot program is required to be informed that he or she has the option of being enrolled in a prepaid health plan or pilot program Until the time the applicant or beneficiary makes a choice, he or she is required to be provided with a monthly Medi-Cal card.

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Existing law requires that information be given Medi-Cal applicants and beneficiaries explaining to them their choices for methods of receiving Medi-Cal benefits. Existing law also provides that if a county-sponsored prepaid health plan is offered, informational activities are required to be carried out by a state employee or by an independent contractor.

This bill would require beneficiaries and applicants to participate in the informational process and would permit the State Department of Health Services, at its option, to require that informational activities be carried out by the county The bill would therefore contain a state-mandated local program.

Under existing law, prepaid health plans contracting with the department are responsible for all of the cost of services rendered pursuant to the contract to any Medi-Cal beneficiary enrolled in the plan.

This bill would give the department the authority to negotiate a mutually agreed-to risk limit in excess of $35,000 with a prepaid health plan. This bill would also permit the department to contract with specified entities as at-risk fiscal intermediaries.

The bill would set forth criteria which must be met by a fiscal intermediary contractor.

The bill would require the State Department of Health Services to implement the bill pursuant to regulations and to seek any waivers from the federal government necessary for its implementation.

The bill would provide that any provision which requires receipt of a federal waiver and for which a waiver cannot be obtained, or which is invalid for other reasons, shall not be implemented.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 1580 (SB 1051) Montoya. Cities: incorporation.

Existing law establishes procedures to be followed by a local agency formation commission in preliminary proceedings for city incorporation, municipal organization, and changes of organization, as defined.

This bill would provide that in proceedings to incorporate a city where more than 50% of the land proposed for incorporation is owned by or dedicated to the use of a city or county and the proposed incorporation would result in a revenue loss to the city or county, if the city or county presents to the local agency formation commission a resolution objecting to the incorporation, the commission is prohibited from conducting any further proceedings on the proposal, and would prohibit any new proposal to incorporate substantially the same territory from being initiated for one year thereafter

The bill would permit a local agency formation commission, in the absence of a resolution of objection from the city or county, to approve the proposed incorporation only if it imposes a condition that the new city may not adopt any regulation or policy which would have a negative fiscal impact on any contract existing at the time of the incorporation which is related to the publicly owned land.

The bill would provide that its provisions shall not preclude the completion of proceedings to incorporate territory which is the subject of incorporation proceedings filed with the local agency formation commission prior to February 15, 1986.

Ch 1581 (SB 862) McCorquodale. Child day care facilities

Existing law provides for licensure of child day care facilities, including day care centers.

This bill would encourage specified persons who provide child day care in a day care center to have specified health care training.

The bill would also require the State Department of Education to convene a task force, as specified, to survey existing child health care training curricula, materials, and dissemination efforts, develop a child health care curriculum and materials to meet the

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health care training requirements, and determine the most efficient and cost-effective method of delivering the training in a readily accessible manner to licensed child care providers across the state. The bill would also permit the department to contract with an independent consultant to make the training program operational.

The bill would appropriate $50,000 to the department for its purposes for the period of January 1, 1986, to September 30, 1987

Ch 1582 (SB 821) McCorquodale Elections.

(1) Existing law provides that if a declaration of candidacy is not filed by an incumbent member of a school district, community college district governing board, or county board of education by the filing deadline, any person other than the incumbent shall have a further specified time period to file a declaration of candidacy

This bill would specify that any person other than the person who was the incumbent on the filing deadline shall have the additional time period to file the declaration of candidacy.

(2) Existing law specifies the procedures applicable to the enactment of county ordinances by initiative, and requires the preservation of initiative or referendum petitions by the county clerk, as specified

This bill would impose a state-mandated local program by revising the procedures regarding the enactment of county ordinances by initiative, as specified, and by requiring the preservation of initiative or referendum petitions by the county clerk for 8 months after the final examination of the petitions if the measure, for any reason, is not submitted to the voters.

(3) Existing law provides, until January 1, 1990, for a special challenged ballot procedure pursuant to which a voter whose qualifications or entitlement to vote cannot be immediately established may vote a special challenged ballot.

This bill would rename this ballot a provisional ballot and would make conforming changes.

(4) Existing law prescribes the form of the affidavit that must be executed by a circulator of a petition to nominate a person for election to an elective office of a district

This bill would repeal the requirement for the prescribed form of the affidavit It would, instead, require the affidavit to be completed in a form specified by law

(5) Existing law provides that any person, if otherwise qualified, may file nomination papers for judicial office during an extended filing period if the incumbent fails to file his or her nomination papers by the filing deadline. This bill would specify that any person, other than the person who was the incumbent, if otherwise qualified, may file nomination papers for judicial office during the extended filing period.

Existing law provides that any person, if otherwise qualified, may file nomination papers for State Senator or Member of the Assembly during an extended filing period if the incumbent fails to qualify for nomination for the office by the filing deadline

This bill would specify that any person, other than the incumbent, if otherwise qualified, may file nomination papers for that office during the extended time period

(6) Existing law provides, with respect to the amendment of a county charter, that the proposed amendments or repeal shall be submitted to the qualified electors of the county at a special election held on the next established election date not less than 74 days after presentation of the petition or submission of the proposal to amend or repeal.

This bill would provide that the proposed amendments or repeal be submitted to the eligible registered voters of the county at such an election not less than 88 days after the presentation of the petition or submission of the proposal to amend or repeal

(7) Existing law provides that, under specified circumstances, directors of an irrigation district shall classify themselves and determine the length of their respective terms pursuant to specified provisions of law

This bill would require the directors of an irrigation district to take such action pursuant to other provisions of law, as specified, and would make conforming changes

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these

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constitutional and statutory provisions

Ch 1583 (AB 1336) Margolin Health.

Under existing law, there is a child health and disability prevention program pursuant to which the governing body of each county is required to establish a community child health and disability prevention program for the purpose of providing early and periodic evaluation of the health status of children in the county

This bill would require the program plan to include, for all children eligible for Medi-Cal, referral for treatment by a Medi-Cal provider of the conditions detected, and assistance with scheduling appointments and transportation It would also require the program plan to include, for all children 3 years of age and older who are eligible for Medi-Cal, referral to a dentist, a physical examination, and appropriate immunizations and laboratory procedures This bill would therefore contain a state-mandated local program. This bill would also require the State Department of Health Services to report to the Legislature, by April 15, 1986, on all necessary steps to improve access to preventive dental care for children eligible for Medi-Cal This bill would also require that dentists receiving referrals of children eligible for Medi-Cal, as specified, employ procedures to advise the child's parent or parents of the need for and scheduling of annual appointments.

Existing law provides for the Medi-Cal program pursuant to which public assistance recipients and other low-income persons are eligible for health care benefits

This bill would provide that early and periodic screening, diagnosis, and treatment for any individual under 21 years of age is a covered benefit under Medi-Cal, consistent with federal law

This bill would also incorporate additional changes to Section 14132 of the Welfare and Institutions Code proposed by AB 1098, AB 1172, and SB 1299, contingent upon the enactment of those bills

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch 1584 (SB 478) Petris Farmworker housing· California Housing Trust Fund

(1) Under existing law, the Department of Housing and Community Development administers various housing programs

This bill would establish the California Housing Trust Fund in the State Treasury and would provide that moneys in the fund may only be expended, upon appropriation by the Legislature, for housing programs or portions of housing programs which serve lower and very low income households, as defined The bill would make certain findings and declarations

This bill would also establish a Farm Labor Housing Rehabilitation Loan Program within the department and would authorize the department to make loans to public or private owners of labor camps in an amount not to exceed 50% of the amount necessary to rehabilitate farmworker housing in order to bring that housing into compliance with the Employee Housing Act The bill would require the department to adopt regulations governing the administration of the program, as specified

(2) 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 revise those allocations by adding a $20,000,000 allocation to the California Housing Trust Fund commencing with the 1986–87 fiscal year and each fiscal year thereafter. Revenues in the Housing Trust Fund would only be available for expenditure upon appropriation by the Legislature

(3) All of the above provisions would remain in effect only until January 1, 1989

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Ch. 1585 (SB 961) Seymour. Sales and use tax exemptions: drugs and medicines.

The existing California Sales and Use Tax Law imposes a 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.

This bill would provide that a licensed veterinarian is a consumer of, and shall not be considered a retailer under that law with respect to, drugs and medicines used or furnished in the performance of professional services.

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.

The bill would take effect immediately as a tax levy.

Ch. 1586 (AB 1114) Chacon. Education: California State University Educational Opportunity Program: community colleges: EOPS

~~(1) Existing law establishes the California State University Educational Opportunity Program (EOP).~~

~~This bill would require the Trustees of the California State University to establish a 3/year pilot program on or before September 1, 1986, at a minimum of 5 campuses of the California State University, to provide Extended Opportunity Programs and Services (EOPS) students transferring from a community college who meet the admissions criteria of the university with EOP grants and services. The bill would also require the trustees to report to the Legislature before September 1, 1989, regarding the pilot program, as specified.~~

~~(2)~~ [(1)]* Existing law requires the Board of Governors of the California Community Colleges to adopt rules and regulations establishing minimum standards for community college Extended Opportunity Programs and Services (EOPS).

This bill would require the Board of Governors of the California Community Colleges, on or before April 1, 1986, to consider adopting regulations to include all of the following objectives:

(a) That the EOPS provided by a community college include, but not be limited to, staff qualified to counsel all EOPS students regarding their individual educational objectives and the specific academic or vocational training program necessary to achieve those objectives, and that each EOPS student receive that counseling upon his or her initial enrollment in the community college, and at least every 6 months thereafter.

(b) That, in providing this assistance, EOPS provided by a community college identifies students wishing to transfer to a 4-year institution, and those who have the potential to successfully transfer, and that the EOPS director at each community college disseminates the names and addresses of these students to admissions staff at public universities throughout the state at least once a year.

(c) That the EOPS director at each community college shall work with other community college staff to encourage all interested EOPS students to enroll in existing classes to develop prescribed skills, and to develop these classes if they are not already established.

~~(3)~~ [(2)]* Existing law requires a task force under the direction of the California Postsecondary Education Commission to evaluate existing supplemental services and financial assistance provided for community college EOPS students who transfer to public 4-year institutions.

This bill would require the commission to assess statewide progress in the implementation of the recommendations of that task force, and to report its findings to the fiscal committees of the Legislature by May 15, 1986.

This bill would express the Legislature's intent that the California State University and the University of California provide fee waivers for all EOPS transfer students who provide waiver forms signed by a community college EOPS director.

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Ch. 1587 (AB 2040) Davis Asbestos.

Existing law does not require a contractor whose operations include asbestos-related work involving 100 square feet or more of asbestos containing materials to pass an asbestos certification examination.

This bill would impose that requirement, would prohibit contracting with an uncertified person for that work, would require the Contractors' State License Board to prepare a booklet relating to handling and disposal of asbestos together with an open book asbestos examination, would require the board to develop a written test for the certification of contractors engaged in asbestos-related work, would impose a $50 application fee for the asbestos certification exam, and would establish civil and criminal penalties for operating without the certificate, and for contracting with an uncertified person, thus constituting a state-mandated local program. Since a portion of a monetary penalty would, in some instances, be deposited in the contractors' license fund, which is continuously appropriated, it would constitute an appropriation.

Existing law permits school districts and county offices of education to apply to the State Allocation Board for funds from the Asbestos Abatement Fund for the purposes of containment or removal of asbestos materials which pose a health hazard.

This bill would provide that, for purposes of this funding, specified factors shall be included when determining the need for abatement of friable asbestos or potentially friable asbestos, would require air monitoring of any public primary or secondary school in which asbestos abatement work has been performed prior to being reoccupied, and not less than one month after being reoccupied, to show that the airborne concentration of asbestos does not exceed specified standards, and would specify the methods and parameters of air monitoring.

This bill would require the State Department of Health Services to report to the Legislature by January 1, 1987, and periodically thereafter, on the most effective air monitoring standard for the airborne concentration of asbestos in any public primary or secondary school building that is both economically and technologically feasible.

Existing law requires the issuance of a permit by the Division of Occupational Safety and Health prior to work in places of employment which involve a substantial risk of injury, including specified types of employment.

This bill would, in addition, require registration with the division for specified asbestos-related work, and would require the employer to provide specified information under penalty of perjury and to meet specified criteria in order to receive the registration.

This bill would also require a safety conference to be held for specified asbestos-related work prior to the start of actual work, would provide for the revocation or suspension of the permit to do asbestos work under specified conditions, and would provide penalties for knowingly or negligently violating any term or condition of the registration.

This bill would impose a state-mandated local program by creating new misdemeanors, and by requiring local public agencies to apply for and obtain a registration before commencing work involving the handling of asbestos.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except as otherwise specified.

This bill would appropriate $422,000 from the Contractors' License Fund to the Contractors' State License Board for the purpose of developing a written test for the certification of contractors engaged in asbestos-related work, and would appropriate an unspecified amount from the Asbestos Abatement Fund, a continuously appropriated fund, to the Division of Occupational Safety and Health to fund the employment of 3 industrial hygienists and one clerical to implement and enforce the registration of employers and contractors who engage in asbestos-related work.

This bill would take effect immediately as an urgency statute.

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Ch. 1588 (SB 1457) Carpenter. Hazardous substances: local agencies

Existing law imposes a tax upon the disposal of hazardous waste, and provides for the deposit of this money into the Hazardous Substance Account ("California Superfund"). Under existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000 and requires that these proceeds be deposited in the Hazardous Substance Cleanup Fund. The money in this fund and this account may generally be expended by the State Department of Health Services, upon appropriation by the Legislature, to pay for the various costs of removal and remedial actions, related to the release of hazardous substances, including the payment of the costs of a removal and remedial action incurred by a local agency with the approval of the State Director of Health Services.

This bill would authorize a city or county to initiate a removal or remedial action for a hazardous substance release site, pursuant to certain procedures concerning the notification of potentially responsible parties by the department, the submission of the estimated costs of the action to the department, and a demonstration that the city or county has sufficient funds to carry out the action.

The bill would provide that, if the director approves the city's or county's request and a final remedial action plan is issued, the city or county would be deemed to be acting in place of the department for the purpose of implementing the plan The bill would also require the director's approval, as specified, before a city or county could be reimbursed from the fund

The bill would take effect immediately as an urgency statute

Ch. 1589 (SB 787) Seymour Aging programs. administrative funds.

Existing law provides that the Department of Aging administers various programs provided for under federal law As part of this administration, federal funds are allocated by the department by dividing the state into a series of planning and service areas, and allocating funds to area agencies on aging designated in each planning and service area.

This bill would require that any General Fund augmentation made after the effective date of the Budget Act of 1985 for specified federal programs providing services to elderly persons which results in expansion of activities or services at the local level shall include up to a 5% administrative cost allocation

The bill would also provide that the department, in consultation with specified entities, shall review the existing formula for distribution of funds to the area agencies on aging, update the formula, as specified, and submit a report, by December 1, 1986, to the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee. It would specify that amendments to the intrastate funding formula may only be made by the Legislature

The bill would also require the department, based upon analysis and public testimony, to develop an implementation plan to achieve parity amongst the area agencies on aging

The bill would provide that the Department of Aging, or any area agency on aging, may not make transfers of funds between specified federal Older Americans Act program funds unless either specified conditions have been met, or the area agency on aging has demonstrated to the Director of the Department of Aging that a good faith effort has been made to meet these conditions, and the area agency on aging has submitted goals and methodologies for meeting these conditions

The bill would also take effect immediately as an urgency statute

Ch. 1590 (AB 1566) McClintock. Education physical fitness and motor development of children

Under existing law, physical education is one of the required courses of study in the public schools.

The bill would also require, in order to improve the level of instruction in the elementary grades, that the Superintendent of Public Instruction, through the regular budget process, employ an elementary education specialist to develop model curriculum standards in physical education for grades 1 to 8, inclusive, provide technical assistance to teachers, and assist school districts in the development of their physical education programs.

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Ch. 1591 (AB 2058) Connelly. Hazardous waste and waste discharge injection wells.

(1) Existing law prohibits the disposal of hazardous waste except in accordance with specified statutory provisions and the regulations of the State Department of Health Services. Existing law requires operators of hazardous waste disposal facilities to obtain a hazardous waste facilities permit from the department

This bill would enact the Toxic Injection Well Control Act of 1985 to establish a program regulating the discharge of hazardous waste into injection wells by requiring each person who is using an injection well, or has used an injection well on or after January 1, 1960, for the discharge of hazardous wastes, to file a hazardous waste injection statement with the department by January 1, 1987, accompanied by a specified fee. The bill would impose civil penalties upon persons who file the statement late or who submit false information.

The bill would prohibit any person on or after January 1, 1986, from discharging hazardous waste into an injection well which commences operation on or after January 1, 1986, and would prohibit such a discharge after January 1, 1988, into an injection well which commenced operation before January 1, 1986, unless the person has received a hazardous waste facilities permit for the well, the well is not within ½ mile of drinking water, and the injection well does not discharge hazardous waste into or above a specified formation, unless granted an exemption by the department pursuant to a specified procedure.

The bill would require the department to prohibit the discharge of hazardous waste into an injection well from which there is a migration, or a threat of migration, of hazardous waste constituents, until specified removal and remedial actions are conducted. The department would be required to determine whether the use of the injection well should be continued and, if the department determines that the injection well should not continue to be used, the department would be required to order the closure of the well The bill would specify requirements for the closure of all injection wells into which hazardous wastes are discharged The department would also be required to annually inspect all injection wells, and operators of injection wells would be required to conduct certain tests and monitoring, and to equip the surface facilities in a specified manner.

The department would be required to order the closure of all abandoned water wells within 3 miles of a facility and would be authorized to require the closure of specified subsurface structures or holes, pursuant to certain regulations and standards.

The bill would prohibit the department from issuing a hazardous waste facilities permit for an injection well or for the discharge of hazardous waste unless a hydrogeological assessment report for the well is approved, the specified groundwater monitoring and the extent of the injection zone are included as permit conditions, the department makes a specified finding concerning the wastes to be discharged, and the permit complies with specified waste discharge requirements and water quality plans and policies The bill would require the department to process in a specified manner a hazardous waste facilities permit application from a person granted an underground injection control permit from the Environmental Protection Agency The bill would specify the information required to be included in the hydrogeological assessment report and would prohibit the department from approving a report unless it makes certain findings.

The bill would require the department, by July 1, 1986, to adopt a fee schedule, by emergency regulation, which assesses a fee upon any person discharging any hazardous waste into an injection well and which sets the amount of fees for filing injection statements and reports, and applying for exemptions The department would be required to set these fees based upon the costs of administering these provisions [,]* and the Office of Administrative Law would be prohibited from repealing these regulations.

The bill would require the department to deposit these fees in the Hazardous Waste Injection Well Account, which this bill would create in the General Fund, and the money in the account would be available, upon appropriation by the Legislature, to the department for purposes of administering the act. The ~~state board~~ [State Water Resources Control Board]* or regional water quality control boards would be authorized, as of July 1, 1986, to require persons discharging wastes into an injection well to provide certain information and would be required to request a report of waste discharge and issue

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waste discharge requirements for injection wells.

The bill would provide that specified waste discharge requirements and water quality plans and policies apply to the department's actions taken pursuant to the act ~~and the department would be required to request a California regional water quality control board to provide recommendations before taking certain proposed actions under the act~~*.

The bill would exempt from these provisions ~~injection wells regulated by the Division of Oil and Gas,~~* injection wells, under specified conditions, for reinjection of geothermal resources, which are in compliance with specified state laws and federal regulations ;* and injection wells injecting treated water as part of a remedial program The bill would prohibit an application by the State Water Resources Control Board to administer the federal Underground Inspection Control Program, as described, from including a request to administer that program for specified oil, gas, and geothermal injection wells.

The bill would make a statement of legislative intent.

(2) Existing law requires any person who discharges or proposes to discharge waste, or who makes a material change in a discharge, to file a report with the regional board, which is authorized to issue waste discharge requirements as to the nature of a discharge. These waste discharge requirements and orders are prohibited from specifying the design, type, location, type of construction, or particular manner of compliance, except as specified.

This bill would require the regional board, when issuing waste discharge requirements for hazardous waste injection wells, to base these requirements upon the hydrogeological assessment report specified in (1) above The regional board would also be required to revise any of these existing requirements based upon the report. The bill would also require any person proposing to construct or initiate a discharge to an injection well to file a waste discharge report. The bill would exempt a waste discharge requirement or other order issued for a discharge of waste or fluid to an injection well from the prohibition specified above concerning the manner of compliance

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by creating new crimes concerning the disposal of hazardous waste and by imposing costs upon local agencies which dispose of hazardous waste.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 1592 (AB 707) Isenberg. Health care contracts.

Existing law contains various provisions governing health care service plans, which provide group health care coverage.

Existing law also permits alternative rate contracts to be entered into for hospital service contracts and group health insurance contracts

This bill would provide that:

(1) It is the Legislature's finding that these types of contracts are essential to ensure that high-quality health care services are provided in the most cost-effective and efficient means possible, and it is in the public interest to enhance the ability of purchasers, providers, and payers to form efficient-sized bargaining units for the purpose of contracting for the delivery of health care services.

(2) It is the intent of the Legislature that, concerning contracts for health care services, the formation of groups and combinations of purchasers, payers, and institutional and professional providers of health care services for the purpose of creating efficient-sized contracting units be recognized as the creation of a new product within the health care marketplace and, be subject only to those antitrust prohibitions applicable to the conduct of other presumptively legitimate enterprises

(3) It does not change existing antitrust law as it relates to any agreement or arrangement excluding persons lawfully qualified to perform certain services but excluded from so doing due to a failure to possess certain license or certification qualifications

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Ch. 1593 (AB 2337) Agnos. Child abuse: child care facilities.

Existing law permits any person to request an inspection of any child day care facility in accordance with specified provisions.

This bill would revise and recast the provisions specifying that procedure.

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 reports required under the system are confidential and their disclosure is permitted only to specified persons and agencies.

This bill would impose a state-mandated local program by specifically including facilities licensed to care for children within the child abuse reporting system. The bill would also impose a state-mandated local program, as a failure to report is a crime.

The bill would also require the Department of Justice, in cooperation with the State Department of Social Services, to prescribe by regulation guidelines for the investigation of child abuse, as defined, in facilities licensed to care for children, and to insure that the investigation is conducted in accordance with the regulations and guidelines.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would make additional changes in Section 1596.853 of the Health and Safety Code, proposed by SB 84, to be operative only if SB 84 and this bill are both chaptered and this bill is chaptered after SB 84.

The bill would take effect immediately as an urgency statute.

Ch. 1594 (AB 2166) Bader. Hazardous waste: recyclable materials.

(1) Existing law defines "recyclable material" for purposes of the hazardous waste control law as any material which would be considered a hazardous waste except for the fact that the material meets certain conditions. Certain materials are exempted from this definition of recyclable material.

This bill would redefine recyclable material as a hazardous waste that is capable of being recycled and which meets certain conditions. The bill would make a recyclable material subject to the hazardous waste control law, unless the waste is exempted by the State Department of Health Services or meets certain requirements. The bill would require persons who are the subject of an action by the department to enforce the hazardous waste control law, and who make certain claims, to make a specified demonstration. The bill would also redefine "recycle," "retrograde material," and "waste," and would define "hazardous" for these purposes.

(2) Under existing law, the regulations adopted by the federal government pursuant to the Resource Conservation and Recovery Act of 1976 are in effect in this state, except that state laws or regulations which are more stringent are also in effect.

This bill would adopt specified federal regulations regarding spent sulfuric acid to be effective until the department adopts regulations regarding this subject.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would impose a state-mandated local program by creating new crimes concerning the generation of hazardous waste and by imposing costs upon local agencies which generate hazardous waste.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

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Ch. 1595 (AB 915) N. Waters. Narcotics.

Under existing law, there is in the General Fund a Narcotics Assistance and Relinquishment by Criminal Offender (NARCO) Fund. Existing law provides for the deposit in that fund of the remainder of any money, or proceeds resulting from the sale of property, seized and forfeited in connection with controlled substance violations, after distribution to local governmental entities, or to the state for allocation to the Department of Justice, as specified. Existing law also states that the money in the NARCO fund is available, upon appropriation, for distribution by an advisory committee to local and state law enforcement agencies in support of general narcotic law enforcement efforts.

Existing law also states, in connection with the distribution of funds to the state which are derived from forfeitures in connection with controlled substances violations, that the first priority of the fund is to support financial investigator positions in the Department of Justice utilized to support financial investigation undertakings by local or state law enforcement agencies.

This bill would provide that all funds allocated to the Department of Justice by the federal government under specified programs may be deposited in the NARCO Fund and are to be used for law enforcement efforts of state and local governments. It would provide that funds which are not so deposited shall be deposited into the Department of Justice Special Deposit Fund-Federal Asset Forfeiture Account

The Budget Act of 1985 appropriates $500,000 to the Department of Justice from the NARCO Fund and provides that the funds shall not be available until a previous appropriation is satisfied and any outstanding loans are repaid.

This bill would revise that proviso by providing that any remaining revenues after the previous appropriation is satisfied shall be divided equally for repayment of any outstanding loans and for local assistance grants from the NARCO Fund.

This bill would incorporate changes in Section 11489 of the Health and Safety Code proposed by AB 1934 to be operative only if both bills are chaptered and this bill is chaptered after AB 1934

The bill would take effect immediately as an urgency statute.

Ch. 1596 (AB 596) La Follette. Subdivision sales· disclosure requirements.

Under existing law, the owners of lots or units in specified common-interest subdivisions are required to give prospective purchasers a copy of the subdivision's declaration of restrictions, bylaws, and articles of incorporation affecting the rights to the property offered for transfer, together with a prescribed written statement of the subdivision's governing body concerning delinquent assessments and related matters. However, these requirements, except for the requirement for the statement on delinquent assessments, are not applicable to transfers of a lot or unit required to be preceded by delivery to the prospective purchaser of a copy of a public report approved by the Real Estate Commissioner.

This bill would delete the requirement for provision of the statement of delinquent assessments to prospective purchasers for transfers subject to this public report requirement. The bill would instead require the person offering such a subdivision interest to make specified materials available to prospective purchasers and lessees before execution of an offer to purchase or lease and to give a copy thereof to each purchaser and lessee as soon as practicable before transfer of the subdivision interest These materials would include the declaration of covenants, conditions, and restrictions, the articles of incorporation or associations of the subdivision owners association, its bylaws, specified other instruments affecting the interest, the current financial statement of the owners association (where required to be prepared by existing law and available), and a prescribed statement covering delinquent assessments and related changes

This bill would incorporate additional changes to Section 1360 of the Civil Code, as proposed by SB 758, if both bills are chaptered and this bill is chaptered last

AB 314 would add a Section 1368 to the Civil Code relating to common interest subdivisions

This bill would, in lieu of amending Section 1360 of the Civil Code, add a Section 1368 to the Civil Code incorporating the substantive changes proposed by both this bill and AB 314, if both bills are enacted and become effective January 1, 1986. If SB 758 is also enacted and amends Section 1360 of the Civil Code and this bill is enacted after AB 314 and SB 758, this bill would include in Section 1368 of the Civil Code substantive changes proposed by SB 758 in Section 1360 of the Civil Code, and the amendments to Section 1360 of the Civil Code proposed by SB 758 would not become operative.

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Ch. 1597 (AB 75) Hughes. Education

(1) Existing law directs the Superintendent of Public Instruction to determine the revenue limits for special schools and classes operated by county superintendents of schools, for the purpose of calculating state allocations

This bill would further direct the superintendent to determine the revenue limits for juvenile court school classes operated by county superintendents of schools, as specified

(2) Existing law established a special trust fund in the State Treasury known as the Teachers' Retirement Fund.

This bill would impose a state-mandated local program by requiring school districts and other agencies employing members of the State Teachers' Retirement System to contribute monthly to the Teachers' Retirement Fund 0 25% of the salaries upon which members' contributions are based, commencing with the 1986–87 fiscal year

This bill would increase state apportionments to school districts, county offices of education, and community college districts for the 1986–87 fiscal year in an amount equal to that 0.25% of total salaries, thereby constituting an appropriation This bill would also require the Controller, on January 1, 1986, to transfer from the General Fund to the Teachers' Retirement Fund an amount equal to 0.25% of the total of member salaries for the 1985–86 fiscal year only.

(3) Existing law requires an employing school district or other employing agency to pay the present value of the service credit awarded for sick leave pursuant to specified provisions to the Teachers' Retirement Fund

This bill would repeal those provisions. The bill would require the Teachers' Retirement Board to establish rules and regulations for the purpose of billing school employers for service credit awarded for sick leave, including certain specified provisions If a school employer fails to pay a bill charged according to those rules and regulations, the bill would authorize the board to request the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, as appropriate, to reduce state apportionments to the school employer by an amount equal to the amount billed. The bill would require those entities to make the reduction, and, if requested by the board, to direct the Controller to reduce the amount transferred from the General Fund to Section A or Section B, as appropriate, of the State School Fund by an equal amount, which would be required to be transferred instead to the Teachers' Retirement Fund.

(4) Notwithstanding any other provisions of law, for the 1985–86 fiscal year, prior to calculating certain increases in funding for necessary small schools and necessary small high schools, this bill would require the Superintendent of Public Instruction to increase certain other funding amounts, according to a specified formula. The bill would prescribe an additional formula for that purpose for the 1985–86 fiscal year and each fiscal year thereafter

(5) Under existing law, pupils in grade 12 are required to be enrolled in at least 5 courses per semester, except as otherwise provided.

This bill would exempt pupils required by medical prescription to attend less than 5 classes from this requirement, but would provide that only partial average daily attendance shall be allowed for those pupils' attendance

(6) Existing law provides financial incentives for school districts to increase the length of the schoolday and school year, as specified for designated grade levels, and also requires the Superintendent of Public Instruction to withhold any increase in revenue limit funding computed for a school district over the amount of that 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.

This bill would authorize a school district, for any school site at which programs are operated at one or more of the specified grade levels, to calculate a weighted average of minutes for those grade levels for purposes of these provisions

~~This bill would also include the average daily attendance of pupils attending alternative schools and the attendance of pupils while participating in independent study programs for purposes of determining the amount of these financial incentives.~~*

(7) Under current law, the Superintendent of Public Instruction may establish a date each fiscal year by which school districts are required to notify the State Department of Education of their decision to receive an allowance for instructional materials pursuant to specified provisions of existing law.

This bill would, instead, authorize the superintendent to establish a date each fiscal

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year by which districts are required to notify the department if they wish to receive instructional materials funding under different provisions during the next fiscal year.

This bill would incorporate additional changes in Section 46201 of the Education Code proposed by AB 1855 if both this bill and AB 1855 are chaptered and this bill is chaptered last.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1598 (AB 505) Leonard. Child abuse.

Under existing law, the California Community Care Facilities Act provides for the licensing of community care facilities, as defined, and the California Child Day Care Facilities Act provides for the licensing of child day care facilities, by the State Department of Social Services or other specified agencies. Existing law also provides for the collection, maintenance, and furnishing of specified information by the Department of Justice concerning child abuse.

This bill would require the State Department of Social Services, prior to granting a license to any individual to care for children, to check with the Department of Justice and to investigate reports of child abuse received from the Department of Justice. Denial of a license on the basis of those reports would not be authorized unless child abuse is substantiated. This bill would require the Department of Justice to furnish information concerning child abuse to the State Department of Social Services for purposes relating to its authority over community care facilities, child day care facilities, and adoption agencies.

Existing law contains various statutes relating to the reporting of suspected child abuse by specified persons.

Existing law imposes upon child care custodians, as defined, certain duties relative to reporting known or suspected child abuse.

This bill would include child day care facilities in the definition of child care custodians.

Existing law prohibits a supervisor or administrator of specified persons who are required to report known or suspected child abuse from impeding that reporting.

This bill would make it a misdemeanor to so impede that reporting

Existing law requires new employees of a child care custodian, medical practitioner, or nonmedical practitioner, as defined, to be notified of child abuse reporting requirements, as specified.

This bill would include additional persons in the definitions of child care custodian and medical practitioner for those purposes

This bill would impose additional requirements for reporting known or suspected child abuse, and provide for the dissemination of information to the appropriate licensing agency, as defined, in instances occurring in a child day care facility or community care facility. The bill would require the Department of Justice to verify whether reports are unfounded, and to discard unverified reports. The bill would limit reporting by child protective agencies to cases that are investigated and found not to be unfounded.

The bill would create a state-mandated local program by imposing reporting requirements on local agencies and by making it a crime to violate those requirements and by making it a crime for a supervisor or administrator to impede the reporting of child abuse.

Existing law requires commercial film and photographic print processors to report suspected child abuse but does not include them in provisions granting immunity from civil and criminal liabilities.

This bill would include those persons in those immunity provisions and would allow a court to award them attorney's fees when a frivolous suit is brought against them because of a disclosure mandated by the bill

The bill would delete child protective agencies from these provisions relating to immunity, but would not affect other applicable immunity provisions.

This bill incorporates changes in Sections 11166.5, 11167.5, 11170, and 11172 of the Penal Code to become operative only if, as the case may be, SB 254, SB 1358, and AB 2337 are enacted before this bill.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no appropriation is made by this act for a specified reason with respect to provisions of this act creating a new crime or changing the definition of a crime. However, it would provide that reimbursement to local agencies and school districts for costs mandated by the state because of the other provisions of this act shall be made from the State Mandates Claims Fund if the statewide cost of the claim does not exceed $500,000.

The bill would appropriate $62,500 to the Department of Justice, and $75,000 to the State Department of Social Services for the 1985–86 fiscal year for purposes of the bill.

Ch. 1599 (AB 558) Cortese Reorganization of cities and districts: planning.

(1) Various bills have been chaptered during 1985 which add or amend statutory provisions contained in the Municipal Organization Act of 1977, the District Reorganization Act of 1965, and the Knox-Nisbet Act. AB 115 of the 1985–86 Regular Session, which has been chaptered as an urgency statute (Ch. 541, Stats 1985), but which will not become operative until January 1, 1986, repealed those bodies of law and enacted the Cortese Local Government Reorganization Act of 1985.

This bill would change the name of the latter act to the Cortese-Knox Local Government Reorganization Act of 1985 and would incorporate the changes made by those previously chaptered bills into that act.

This bill would also incorporate changes proposed in the Municipal Organization Act of 1977, the District Reorganization Act of 1965, and the Knox-Nisbet Act by several bills pending before the Legislature into the Cortese-Knox Local Government Reorganization Act of 1985, to be operative only if those other pending bills are chaptered.

The bill would also make various conforming changes in provisions contained in the Cortese-Knox Local Government Act of 1985 and would also correct various cross-references contained in other statutes.

(2) Under existing law, there is an Office of Permit Assistance within the Office of Planning and Research which has the responsibility for, among other things, developing advisory guidelines for a prescribed expedited development permit process These provisions are contained in a part of the Government Code relating to the review and approval of development projects.

This bill would add a cross-reference to the above provisions in a part of the Government Code that specifies the powers and duties of the Office of Planning and Research.

Ch 1600 (SB 300) Foran Transportation· funding.

(1) Under existing law, with respect to the initial amount transferred to the Transportation Planning and Development Account in the State Transportation Fund, as indicated below, the Director of Transportation is required to allocate 42% of the transferred amount to each transportation planning agency and county transportation commission, and the San Diego Metropolitan Transit Development Board, based on the ratio of the population of the area under its jurisdiction to the total population of the state, 18% of the transferred amount based on the ratio of the total revenues of all the operators in the area under its jurisdiction to the total revenue of all operators in the state during the prior fiscal year, and the remaining for public transportation purposes

Under the Sales and Use Tax Law, an initial amount limited to $110,000,000, with adjustments based on the Consumer Price Index but not to exceed the changes in per capita personal income and the population of the state, is required to be transferred annually from the Retail Sales Tax Fund to the Transportation Planning and Development Account from the estimated increase in sales and use tax revenues resulting from imposing the tax at a 4¾% rate and on motor vehicle fuel instead of at a 5% rate and not on motor vehicle fuel. Of the balance of the estimate, specified amounts are required to be transferred to the General Fund until the 1986–87 fiscal year and ½ of the remaining amount is required to be transferred to the State Highway Account in the State Transportation Fund and ½ to the Transportation Planning and Development Account.

This bill would delete the $110,000,000 limitation and would transfer the entire estimated amount of the revenues to the Transportation Planning and Development

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Account for appropriation to the Director of Transportation for allocation as stated above.

The bill would require that, if less than $110,000,000 is transferred in any fiscal year, the amount of the deficiency also be transferred in the 1986–87 fiscal year from the General Fund and in the 1987–88 and each subsequent fiscal year from the increase in state revenues resulting from the imposition of sales and use taxes on diesel fuel.

The bill would make related changes and would delete obsolete material.

(2) Under existing law, specified portions of the net revenues derived under the Motor Vehicle Fuel License Tax Law and Use Fuel Tax Law are required to be apportioned from the Highway Users Tax Account in the Transportation Tax Fund to counties and cities for street and highway purposes.

This bill would continuously appropriate the money appropriated by Item 9675-101-890 of the Budget Act of 1985 to the Controller for allocation for street and highway maintenance and reconstruction, as defined, 55% to the cities for allocation pursuant to a specified formula and 45% to the counties for allocation pursuant to another formula.

The city or county receiving an allocation would be required to expend a specified amount, as determined by a specified formula, for maintenance and reconstruction. The Controller would be required each fiscal year to audit the amount each county and city expended for maintenance and reconstruction If the amount expended is less than the specified amount, the gas tax allocation to the city or county would be reduced accordingly during the next fiscal year and the withheld funds would be reallocated to other counties and cities pursuant to the above formula.

The bill would also appropriate $215,000,000 from the General Fund to the Controller for allocation pursuant to the above provisions, $125,000,000 for the 1985–86 fiscal year for allocation by October 1, 1985, and on July 1, 1986, $90,000,000 would be made available for the 1986–87 fiscal year for allocation by October 1, 1986

(3) The bill would incorporate changes in Section 7102 of the Revenue and Taxation Code which would be made by SB 80 only if both bills are enacted and this bill is enacted last.

(4) The bill would become operative only if AB 1024 is enacted

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

Ch. 1601 (SB 1334) Roberti Department of Commerce

Existing law does not provide for the implementation of a plan for an entertainment museum

This bill would state legislative findings and declarations on that subject.

This bill would also appropriate $785,000 from the General Fund to the Director of Commerce for allocation to a nonprofit corporation for the purpose of implementing Phase II planning for the Hollywood Exposition and Museum It would require that Phase II include the establishment of a fundraising committee and the completion of architectural and exhibit design work, including detailed cost estimates and construction and exhibit development schedules

This bill would take effect immediately as an urgency statute.

Ch. 1602 (SB 1391) Keene. Resources [20]

(1) Under existing law, the Department of Parks and Recreation is vested with management and control of the state park system.

This bill would appropriate $1,050,000 from the Special Account for Capital Outlay to the department to be allocated $250,000 for completion of a visitor center at San Pasqual Battlefield State Historic Park and $800,000 for acquisition of specified property for Sonoma Coast State Beach.

(2) Under the California Environmental Protection Program, funds may be expended to support projects of state and local agencies and other organizations which have a clearly defined benefit to the people of the state and have one or more specified purposes, including the purchase of property for park purposes.

This bill would appropriate $231,500 from the California Environmental License Plate Fund to the Department of Parks and Recreation for the purchase of real property

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comprising the petrified forest in Napa and Sonoma Counties and $1,300,000 from the fund to the California Tahoe Conservancy for the purchase of real property in Kings Beach for the North Tahoe Public Access Project.

(3) The Budget Act of 1985 appropriates moneys to the department for its support. This bill would appropriate $190,000 from the General Fund to the department for staff support of the California Agricultural Museum in Fresno in augmentation of the budget act appropriation for its support.

(4) Existing law does not establish a Lake Tahoe Assistance Fund.

This bill establishes a Lake Tahoe Assistance Fund, continuously appropriates moneys in the fund to the Lake Tahoe Conservancy for specified purposes, and requires that $20,000,000 in specified federal funds be deposited in the fund to be expended by the conservancy during the 1985–86, 1986–87, and 1987–88 fiscal years, thus resulting in an appropriation.

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

Ch. 1603 (SB 1264) Seymour. Special education: funded units of instructional personnel service. [21]

~~(1) Existing law prescribes the manner in which allowances for the transportation of pupils are to be allocated to eligible school districts and county superintendents of schools. Existing law further requires that, for the 1985/86 fiscal year and each subsequent fiscal year, transportation allowances made for individuals with exceptional needs may include only home/to/school transportation, and excludes any other transportation for these pupils.~~

~~This bill would delete that exclusion, such that transportation allowances for individuals for exceptional needs would encompass those transportation needs specified in their individualized education programs.~~

~~(2) Existing law specifies that in the 1984/85 fiscal year, the Superintendent of Public Instruction shall increase the base revenue limit of each school district that certifies that it offers a longer instructional day or year, as specified.~~

~~This bill would provide that in the 1985/86 fiscal year, the superintendent would increase the base revenue limit, by $70 per unit of average daily attendance for the current year second principal apportionment, for each school district that certifies that it offers 180 days or more of instruction per school year of special day classes for individuals with exceptional needs.~~

~~This bill would also provide for an increased base revenue limit for school districts that certify an extended instructional day for these special day classes, as specified.~~

~~(3) Under existing law, local educational agencies, including special education services regions, that operate programs for handicapped infants are deemed eligible for an increased number of instructional personnel service units, as specified.~~

~~This bill would delete this provision, and provide instead that these agencies, including special education local plan areas, would be eligible for funding under existing provisions of law governing the funding of special education programs.~~

~~(4) Under existing law, the State Department of Education, as the administering state educational agency for this state, receives federal appropriations for expenditure pursuant to the federal Education of the Handicapped Act.~~

~~This bill would require not less than $2,324,000 of the federal funding received for this purpose in any fiscal year to be expended for programs for handicapped infants until the department determines, and the Legislature concurs, that the funds are no longer needed for that purpose. The bill would authorize programs that are ineligible to receive certain other funding to receive funding under these provisions.~~

~~(5) Existing law provides that, in any fiscal year, a special education local plan area is eligible for state funding of instructional personnel service units operated and funded in the prior fiscal year, subject to specified prerequisites.~~

~~This bill would render these provisions inoperative on July 1, 1985, and would repeal them on January 1, 1986.~~

~~This bill would establish a separate formula for eligibility for state funding of instructional personnel service units for services to children younger than 3 years of age,~~

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~~employing lower staff/to/pupil ratios.~~

~~Existing law also permits the Superintendent of Public Instruction to waive any of the criteria for funding for instructional personnel service units for the 1984/85 fiscal year where compliance with the criteria would require the termination of a contract employee in violation of law, or where the local plan area's duplicated pupil count exceeds a specified threshold.~~

~~This bill would delete that waiver provision as to instructional personnel service units for services to children 3 years of age or older.~~

~~Both of these provisions of this bill would become operative July 1, 1985.~~

~~(5.5) Commencing with the 1985/86 fiscal year, this bill would require that any instructional personnel service unit that was used in the prior fiscal year to provide services to children younger than 3 years of age continue to be used for that purpose. If a special education local plan area becomes ineligible for all or any portion of those instructional personnel service units operated and fundable in the prior fiscal year, this bill would require the Superintendent of Public Instruction to allocate those units to another local plan area for the purpose of providing services to children younger than 3 years of age.~~

~~(6) For the 1985/86 fiscal year, this bill would require instructional personnel service units which were used in the 1984/85 fiscal year to provide services to children younger than 3 years of age to be excluded from certain specified computations, and to be included in certain other computations.~~

~~(7) Existing law directs the Superintendent of Public Instruction to issue standards and criteria for the computation of special education costs, as specified.~~

~~This bill would repeal that requirement.~~

~~Instead, this bill would direct the superintendent to adopt and disseminate cost accounting procedures to these agencies for the 1985/86 fiscal year. This bill would require the local education agencies to employ the procedures, and forms prescribed by the superintendent, for their fiscal reports for the 1985/86 fiscal year, thereby imposing a state/mandated local program.~~

~~(8) Existing law limits the number of units of instructional service funded for a local special education plan for special classes and centers to an average of one teacher and one aide per special class or center actually operated.~~

~~This bill would increase the funding ratio for teacher's aides to 1.05 aide per special class or center actually operated.~~

~~(9) Under existing law, the Legislature has stated its intent that local education agencies give first priority to expenditures for specialized books, materials, and equipment that are necessary and appropriate for the individualized education programs of pupils with low incidence disabilities.~~

~~This bill would establish a procedure for funding specialized books, materials, and equipment required under the individualized education programs for these pupils, and express the legislative intent that special education local plan areas share unused specialized books, materials, and equipment with neighboring local plan areas.~~

~~(10) Existing law directs that the California Master Plan for Special Education be operated pursuant to specified objectives concerning the provision of educational opportunities to individuals with exceptional needs.~~

~~This bill would express the legislative intent that at least $60,000,000 be appropriated in the 1986/87 fiscal year, and that at least $120,000,000 be appropriated in the 1987/88 fiscal year, in addition to other appropriations, for expenditure as specified, so as to assure the fulfillment of those objectives.~~

~~(11)~~* The Budget Act of 1985 appropriates ~~$778,698,000~~ [$780,198,000]* to the Department of Education for expenditure for the Special Education Programs for Exceptional Children in the 1985–86 fiscal year and specifies that $10,000,000 shall be available for program growth pursuant to current law.

This bill would increase that appropriation to $788,698,000 and would specify that, of that amount, $20,000,000 shall be available for program growth.

[This bill would also make certain non-substantive changes to various provisions of the Education Code amended or added by Chapter 115 of the Statutes of 1985.]*

~~(12)~~* The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates

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Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

~~(13)~~* This bill would take effect immediately as an urgency statute.

Ch. 1604 (SB 724) Rosenthal. Energy assistance. [22]

Under existing law, the State Office of Economic Opportunity is required to receive and administer the federal Low-Income Home Energy Assistance Block Grant, pursuant to a specified allocation formula. Among other things, this formula authorizes a transfer of an amount not to exceed 10% of the federal allocation to the State Department of Social Services for specified purposes.

This bill would alter the allocation formula by, among other things, eliminating the authority to transfer funds to the department, commencing with the first fiscal year for which an equivalent amount of state funding is identified and appropriated.

The bill would also make various changes in eligibility criteria for the components of the Low-Income Home Energy Assistance Program.

The bill would also authorize the office to contract with local public or private nonprofit agencies to assist with outreach and intake activities, concerning the components of the program

The bill would also authorize the office to contract with the California Energy Extension Service, for the provision of energy education programs to various segments of the low-income community, and to enter into an interagency agreement with the Office of Planning and Research concerning educational programs.

The bill would require the office to pay any interest charges incurred by a community-based organization or community-action agency whenever the office does not allocate Energy Crisis Intervention Program funds on schedule and the organization or agency finds it necessary to obtain a loan to cover program costs.

The bill would require the office to submit biennial reports to the Legislature on the demonstration programs provided for in the bill, with the first report to be due January 1, 1987. The bill would also require the office to submit an annual report to the Legislature on various aspects of the Low-Income Home Energy Assistance Program.

The bill would also make the following appropriations:

(1) $2,000,000 from the Federal Trust Fund for the Energy Crisis Intervention Program.

(2) $3,000,000 from the specified federal petroleum violation escrow funds to the Department of Transportation for assistance to local governments for improved traffic flow efficiency.

(3) $3,300,000 from other specified federal petroleum violation escrow funds to the State Energy Resources Conservation and Development Commission for a program to support methanol-powered transit buses.

(4) $900,000 of any other petroleum overcharge settlement funds to which the state is entitled and become available on or before September 1, 1985, to the Office of Appropriate Technology for a loan program to assist low-income fishing fleet operators to conserve fuel.

(5) $200,000 of any other petroleum overcharge settlement funds described in (4) to the State Department of Education to establish a pilot program to provide specified equipment and instructor training for automobile driver training programs in school districts.

Ch. 1605 (SB 121) Alquist. Claims against the state. [23]

This bill would appropriate $2,428,075.68, as scheduled, from the General Fund and the Services Revolving Fund to the State Board of Control to settle claims against the state.

The bill would require that funds appropriated by the bill for payment of attorney's fees pursuant to Section 1021.5 of the Code of Civil Procedure be expended only in

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accordance with the provisions of Items 9810-001-001, 9810-001-494, and 9810-001-988 of the Budget Act of 1985

The bill would also allocate $1,820,000 from the funds appropriated by the bill from the General Fund to the Department of Justice to pay the settlements in 2 specified court actions and an additional $113,000 to the department to pay any increased costs of those settlements attributable to interest rate fluctuations of annuities.

The bill would take effect immediately as an urgency statute

Ch 1606 (SB 104) Garamendi California Conservation Corps nonresidential programs [24]

(1) Existing law requires the California Conservation Corps to establish a nonresidential program with an educational component in neighborhoods which have high concentrations of ethnic-minority youths and which have high levels of youth unemployment, and requires the corps to secure employment and training services for corpsmembers, as specified

This bill would require those programs to be in urban communities, would permit the programs to be in other than urban communities, and would add a requirement that the community have a need for conservation work The bill would also limit expenditures for programs in other than urban communities to not more than 15% of the total funding for all the nonresidential programs

(2) Existing law requires the corps to contract with public or private nonprofit agencies to provide services for the nonresidential programs and requires the contracting agency to meet specified requirements, including securing funding or services from the local service delivery area for necessary employment and training services

This bill would specify that that requirement be satisfied by a public or private nonprofit agency to the extent possible

(3) The bill would appropriate $1,000,000 from the General Fund to the corps for the nonresidential programs The bill would require that the moneys be used to serve low-income areas.

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

Ch 1607 (AB 19) Robinson Trial courts state funding

(1) Under existing law, the cost of funding the trial courts is borne by the individual counties, with limited provision for state contributions to salaries of superior court judges and superior court judges' retirement and so-called block grants made in the Budget Act for support of certain trial courts. Various revenues received by the courts from filing fees, fines and forfeitures, and penalty assessments and surcharges are payable to the county treasuries, with specified portions of fines, forfeitures, and assessments payable to cities within each county

This bill would enact the Trial Court Funding Act of 1985, which would establish a program of state funding of trial courts on a yearly, county-option basis, to become operative upon the effective date of a statute appropriating funds for such purposes. Revenues received by the courts in option counties from filing fees, fines and forfeitures, and penalty assessments and surcharges, with specified exceptions, would offset state funding The bill would specify the filing fees in an option county The bill would also provide that the state shall reimburse any city in an option county for specified loss of revenue.

(2) The bill would also require the Controller, in consultation with the Legislative Analyst and the Judicial Council, to compile specified data and report to the Legislature no later than June 1, 1986, with regard to optional state funding of trial courts

(3) Existing law provides for 31 judges of the superior court in Alameda County.

This bill would authorize 34 judges of the superior court for Alameda County upon the adoption of a specified resolution by the board of supervisors

(4) Existing law provides for 3 judges of the superior court for Butte County.

This bill would authorize a 4th judge of the superior court for Butte County upon the adoption of a specified resolution by the board of supervisors

(5) Existing law provides for 14 judges of the superior court in Fresno County, and

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authorizes a 15th judge upon the adoption of a specified resolution by the board of supervisors.

This bill would increase the number of judges of the superior court for Fresno County from 14 to 16, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program, and would authorize a 17th judge upon the adoption of a specified resolution by the board of supervisors

(6) Existing law provides for 13 judges of the superior court for Kern County

This bill would increase the number of superior court judges for Kern County from 13 to 15, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(7) Existing law provides for 50 judges of the superior court for Orange County, and provides for the appointment of a 51st judge upon a specified vacancy in the position of court commissioner

This bill would instead increase the number of judges of the superior court for Orange County from 50 to 54, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(8) Existing law provides for 19 judges of the superior court for Riverside County.

This bill would authorize up to 3 additional judges of the superior court for Riverside County upon the adoption of a specified resolution or resolutions by the board of supervisors.

(9) Existing law provides for 26 judges of the superior court for Sacramento County, and provides for a 27th judge upon a specified vacancy in the office of juvenile court referee

This bill would increase the number of judges of the superior court for Sacramento County from 26 to 27, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program, and would authorize 2 additional judges of the superior court upon the adoption of a specified resolution by the board of supervisors

(10) Existing law provides for 21 judges of the superior court for San Bernardino County, and authorizes up to 3 additional judges upon the adoption of a specified resolution or resolutions by the board of supervisors

This bill would increase the number of judges of the superior court for San Bernardino County from 21 to 24, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program, and would authorize an additional judge upon the adoption of a specified resolution by the board of supervisors.

(11) Existing law provides for 43 judges of the superior court for San Diego County, and authorizes up to 6 additional judges upon the adoption of a specified resolution by the board of supervisors

This bill would increase the number of judges of the superior court for San Diego County from 43 to 49, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program, and would authorize up to 9 additional judges upon the adoption of a specified resolution by the board of supervisors.

(12) Existing law provides for 27 judges of the superior court for the City and County of San Francisco, and authorizes an additional judge upon the adoption of a specified resolution by the board of supervisors

This bill would increase the number of superior court judges for the City and County of San Francisco from 27 to 29, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program, and would delete the authorization for an additional judge.

(13) Existing law provides for 14 judges of the superior court for San Mateo County.

This bill would increase the number of judges of the superior court for San Mateo County from 14 to 16, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(14) Existing law provides for 33 judges of the superior court for Santa Clara County

This bill would increase the number of judges of the superior court for Santa Clara County from 33 to 34, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(15) Existing law provides for 3 judges of the superior court for Shasta County

This bill would authorize an additional judge of the superior court for Shasta County upon the adoption of a specified resolution by the board of supervisors.

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(16) Existing law provides for 5 judges of the superior court for Solano County.

This bill would increase the number of superior court judges for Solano County from 5 to 7, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(17) Existing law provides for 8 judges of the superior court for Sonoma County.

This bill would increase the number of superior court judges for Sonoma County from 8 to 9, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(18) Existing law provides for 6 judges of the superior court of Tulare County.

This bill would increase the number of superior court judges for Tulare County from 6 to 7, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(19) Existing law provides for 13 judges of the superior court for Ventura County.

This bill would authorize one or 2 additional superior court judges for Ventura County upon the adoption of a specified resolution by the board of supervisors.

(20) Existing law provides for 2 judges of the superior court for Yuba County.

This bill would increase the number of superior court judges for Yuba County from 2 to 3, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(21) The increases in judicial positions would become operative July 1, 1986.

(21.5) Existing law does not authorize a commissioner for the municipal court of Stanislaus County.

This bill would authorize a commissioner for that court, as specified.

(22) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1985

1985–86 REGULAR SESSION

RESOLUTION CHAPTERS

Res Ch. 1 (SCR 4) Roberti. Legislative Counsel of California.
This measure designates Bion M. Gregory as Legislative Counsel of California.

Res. Ch. 2 (ACR 5) Sher. Leland Stanford Junior University
This measure would commemorate the 100th Anniversary of the establishment of Leland Stanford Junior University.

Res. Ch. 3 (SCR 10) Nielsen. Rural Crime Prevention Month.
This measure would proclaim the month of February, 1985, as "Rural Crime Prevention Month."

Res. Ch. 4 (SCR 12) Nielsen. Vocational Education Week.
This measure would proclaim the week of February 10 through 16, 1985, as Vocational Education Week.

Res Ch. 5 (ACR 16) Hauser. Women's History Week.
This measure would designate March 3 through 9, 1985, as Women's History Week and would urge celebration of International Women's Day on March 8, 1985.

Res. Ch. 6 (SCR 6) Carpenter. Joint Committee on Refugee Resettlement.
The Joint Committee on Refugee Resettlement and Immigration was established pursuant to Resolution Chapter 3 of the Statutes of 1983. The committee, which terminated November 30, 1984, was authorized, among other things, to make recommendations to the Legislature regarding refugees and other entrants into California.
This measure would establish the Joint Committee on Refugee Resettlement. Its authority would be the same as the former Joint Committee on Refugee Resettlement and Immigration, including the authority to establish an advisory council to the new joint committee, except that the jurisdiction of the new joint committee would be limited to refugee-related problems and issues The measure would authorize the Senate Rules Committee or Assembly Rules Committee to make money available from the respective contingent funds of the Assembly and Senate in the amount deemed necessary for the expenses of the joint committee and its advisory council, in compliance with policies set forth by the rules committee making the money available. The measure would also establish a procedure for submission of the committee's annual budget to the Joint Rules Committee for review and comment.
The measure would provide for the committee's termination at the end of the 1985–86 Regular Session.

Res. Ch 7 (SCR 9) Garamendi. Joint Committee on Science and Technology.
Pursuant to the provisions of Resolution Chapter 158 of the Statutes of 1982, the Joint Committee on Science and Technology was terminated on January 1, 1985.
This measure would reestablish the Joint Committee on Science and Technology and would provide for the membership, authority, and duties of that committee. The measure would authorize the Senate Rules Committee or Assembly Rules Committee to make money available from the respective contingent funds of the Assembly and Senate in the amount deemed necessary for the expenses of the joint committee in compliance with policies set forth by the rules committee making the money available. The measure would also establish a procedure for submission of the committee's annual budget to the Joint Rules Committee for review and comment.
This measure would provide that the Joint Committee shall be terminated on January 30, 1987

Res Ch 8 (SCR 13) Senate and Assembly Committees on Rules. Legislative employees' retirement contributions. income tax deferral.
This measure would provide that the Legislature shall make or "pick up," as specified, employee contributions for legislative employees to the Public Employees' Retirement System and the Legislators' Retirement System in lieu of contributions by the employee, for the purpose of deferring income taxes on the contributions until the contributions are distributed or made available by the retirement system to the employees.

Res. Ch 9 (SCR 3) Roberti. Joint Rules.
This measure adopts the Temporary Joint Rules of the Senate and the Assembly for the 1985–86 Regular Session.

Res. Ch 10 (SCR 15) Dills Family Reunion Month.
This measure would designate the period during 1985 commencing on Mother's Day and continuing through Father's Day as "Family Reunion Month" in the State of California.

Res Ch 11 (ACR 13) Papan California public pension funds
This measure would create the Joint Committee on Public Pension Fund Investments as an investigating committee of the California Legislature It would charge the committee with studying the manner of increasing the yield on portfolio investments of all California public pension funds, improving the financial responsibilities of corporations to their public pension fund shareholders, and evaluating portfolio potential, among other things.
This measure would provide for the appointment of members to the committee, would provide for additional powers and duties of the committee staff and would provide for the funding of the committee from the respective contingent funds of the Assembly and the Senate by each respective rules committee, as specified. It would provide for the termination of the committee at the end of the 1985–86 Regular Session.

Res Ch. 12 (AJR 24) Margolin. Developmental disabilities funding
This measure would affirm the Legislature's intent to proceed diligently to enact legislation to make statutory changes necessary to facilitate compliance with and implementation by the state of the new requirements of the Developmental Disabilities Act of 1984 (P.L. 98-527), and would memorialize the President and the Congress and the federal Administration on Developmental Disabilities to continue federal funding participation in the state's developmental disabilities programs with the understanding that the state is moving diligently toward full compliance with the law.

Res. Ch. 13 (ACR 10) Condit. National Agriculture Week
This measure would proclaim the week of March 17 through March 23, 1985, as National Agriculture Week and March 20, 1985, as Agriculture Day.

Res. Ch. 14 (SCR 27) Morgan. Camp Fire, Inc.: 75th anniversary.
This measure would commend Camp Fire, Inc on the occasion of its 75th anniversary.

Res. Ch. 15 (ACR 9) Vicencia Child abuse.
This measure would designate the month of April 1985 as Child Abuse Prevention Month.

Res. Ch. 16 (ACR 11) Katz. Holocaust Memorial Week.
This measure would designate the week of April 14 through 21, 1985, as Holocaust Memorial Week, and would urge Californians to observe appropriately these Days of Remembrance for the Victims of the Holocaust.

Res. Ch. 17 (ACR 13) Katz. Earthquake Preparedness Week.
This measure would proclaim the week of April 15 to 20, 1985, as California Earthquake Preparedness Week and urge all Californians to engage in appropriate earthquake safety-related activities during that week

Res. Ch. 18 (SCR 29) L. Greene National Basketball Association: proposed move of a franchise to Sacramento.
This measure would urge the Board of Governors of the National Basketball Association to give its official approval to the proposed move of the Kansas City Kings franchise to Sacramento.

Res. Ch. 19 (SJR 2) Garamendi. Famine relief for Ethiopia.
This measure would memorialize the President and Congress of the United States to immediately authorize increased and continued famine relief, as specified, to Ethiopia and have the Ethiopian governmental officials allow food and medical aid to be distributed to all famine victims without regard to internal political disagreements.

Res. Ch. 20 (ACR 7) Condit. Recognizing Arbor Day.

This measure would recognize March 7, 1985, and each March 7th thereafter, as Arbor Day in California and urge the people of California to participate in programs designed for conservation and beautification of the landscape

Res. Ch. 21 (ACR 20) Johnston. Week of the Young Child.

This measure would proclaim April 20–27, 1985, as the California Week of the Young Child and be coordinated by the California Association for the Education of Young Children in connection with the National Association for the Education of Young Children Week of the Young Child celebrations in the month of April.

Res. Ch. 22 (AJR 11) Hauser. Water pollution: Humboldt pulp mills.

This measure would memorialize the Environmental Protection Agency to reverse a tentative decision denying a waiver for two pulp mills operating in Humboldt County from the requirement for secondary treatment, and would request that, if the variance is granted, the mills continue to adhere to strict state environmental standards and fund research in water pollution control that can be shared with similar mills throughout the state and nation.

Res. Ch. 23 (SCR 18) Montoya. Chiropractic care.

This measure would recognize the devoted care which doctors of chiropractic have bestowed upon their patients in this state, and would proclaim the week of Monday, April 29 through Sunday, May 5, 1985, as California Chiropractic Wellness Week.

Res. Ch. 24 (ACR 19) Katz. Small business.

This measure would request the Governor to proclaim, in conjunction with the national designation thereof, the week of May 6 through May 12, 1985, as California Small Business Week.

Res. Ch. 25 (ACR 4) 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.

Res. Ch. 26 (ACR 51) Filante. Vision.

This measure would designate the month of April 1985 as "Save Your Vision Month."

Res. Ch. 27 (ACR 24) Seastrand. National Day of Prayer.

This measure recognizes Thursday, May 2, 1985, as the "National Day of Prayer."

Res. Ch. 28 (AJR 42) Farr. Oil and gas leases: outer continental shelf.

This measure would memorialize the President and the Secretary of the Interior to delete specified areas from the proposed California offshore oil and gas lease program and would request the Governor to recommend those deletions.

Res. Ch. 29 (SJR 21) Roberti. Proposed visit of the President of the United States to a military cemetery at Bitburg, West Germany.

This measure would implore the President of the United States neither to visit the military cemetery at Bitburg, West Germany nor to lay a wreath.

Res. Ch. 30 (SCR 2) Roberti. Year of the Child.

This measure would provide that the Legislature declares that 1985 be recognized as the Year of the Child, that the Legislature will continue to give priority to issues relating to children and their care, and that the Legislature urges the Governor and each appropriate state agency to join in these efforts.

Res Ch. 31 (SCR 11) Mello. California wine week
This measure would proclaim that Thanksgiving Day and one week thereafter shall be permanently known as California Wine Week

Res Ch 32 (ACR 56) O'Connell Toxic Awareness Week
This measure would proclaim the week of May 12, 1985, as "Toxic Awareness Week," and would encourage the public, schools, and businesses to take related actions concerning hazardous materials safety awareness.

Res. Ch 33 (SCR 32) Campbell Classified school employees
This measure would designate the week of May 19 through May 25, 1985, as Classified School Employee Week

Res Ch 34 (ACR 33) N Waters Winter Olympics at Lake Tahoe
This measure expresses the support of the Legislature for the Reno/Tahoe Winter Games Organizing Committee, Inc in its attempt to bring the winter Olympics to Lake Tahoe.

Res. Ch 35 (ACR 45) Condit Senior Citizens' Health Week
This measure would declare May 25 to 31, 1985, as Senior Citizens' Health Week.

Res. Ch. 36 (ACR 66) Farr. California Travel and Tourism Week
This measure would proclaim the week of May 19 through May 25, 1985, as California Travel and Tourism Week.

Res. Ch 37 (ACR 70) Papan. Joint Committee on Public Pension Fund Investments
The Joint Committee on Public Pension Fund Investments is created under existing law The committee is required to study the manner of increasing the yield on portfolio investments of all California public pension funds, improving the financial responsibilities of corporations to their public pension fund shareholders, and evaluating portfolio potential, among other things. The committee has a membership of four Members of the Senate, appointed by the Committee on Rules, and four Members of the Assembly, appointed by the Speaker.
This measure would change the committee's membership to five Members of the Senate, appointed by the Committee on Rules, and five Members of the Assembly, appointed by the Speaker of the Assembly

Res. Ch 38 (AJR 43) Vicencia. C-17 airlifter development and production program.
This measure would memorialize the President and Congress to support and fund the C-17 airlifter aircraft development and production program.

Res Ch 39 (ACR 6) Peace Capitol employees· child care center
This measure would require the Joint Rules Committee to direct its staff to conduct, or contract for, a prescribed study regarding the establishment of a child care center in or near the State Capitol for the use of Capitol employees and their families. The committee would be required to appoint a task force of 10 Capitol employees, by choosing 5 out of 7 persons recommended by the Senate Rules Committee and 5 out of 7 persons recommended by the Speaker of the Assembly, to assist in carrying out the study The committee would be required to report the results of the study to the Legislature on or before October 1, 1985.

Res Ch. 40 (ACR 68) Naylor XV World Games for the Deaf
This measure would commend the competitors and sponsors of the XV World Games for the Deaf, which will be held July 10–20, 1985, in the Los Angeles area.

Res Ch. 41 (ACR 49) Papan Joint Rules: deadlines.
This measure would amend the joint rule relating to deadlines for the 1985–86 Regular Session to provide specifically that either house may meet for the purpose of considering and passing a constitutional amendment, or a bill which would go into immediate effect pursuant to subdivision (c) of Section 8 of Article IV of the Constitution of California, at any time during the session It would also amend that rule to provide that a policy committee may report a bill to a fiscal committee on or before the relevant deadline for reporting nonfiscal bills to the floor, if, after the policy committee deadline for reporting

the bill to fiscal committee, the Legislative Counsel's Digest is changed to indicate reference to fiscal committee.

Res Ch. 42 (ACR 63) McClintock. Parliamentary Law Month.
This measure would proclaim May 1985 as Parliamentary Law Month in the State of California

Res. Ch 43 (ACR 43) Mountjoy. Relative to the Month of May, Better Hearing and Speech Month
This measure would proclaim the month of May as Better Hearing and Speech Month

Res. Ch 44 (AJR 18) Seastrand Naval petroleum reserves.
This measure would respectfully request the President of the United States and the Secretaries of the Navy, Interior, and Energy to take immediate action to modify the executive proclamation reserving the lands included within Naval Petroleum Reserve No. 1 to permit the state to take title to the two school land sections originally granted it, subject to the control of oil operations by the President as required for national security purposes.

Res. Ch. 45 (SJR 29) Garamendi School lunch programs
This measure would urge the United States Senate and House of Representatives to provide at least the level of funding provided in current law for school lunch programs in fiscal year 1986

Res Ch. 46 (SCR 37) Montoya Apprenticeship education. reimbursement
This measure would recite the legislative intent, stated in existing law, that any reimbursement received by the California Firefighter Joint Apprenticeship Program in excess of the reimbursement rate prescribed by specified provisions of current law shall be deemed to be an interest-free loan, repayable to the General Fund on July 1, 1992. This measure would state the legislative intent that the repayment of these amounts shall be the sole responsibility of the California Firefighter Joint Apprenticeship Program, and that the Chancellor of the California Community Colleges, the Superintendent of Public Instruction, or any high school district, unified school district, regional occupational center or program, adult school, or community college providing classes of related and supplemental instruction for the California Firefighter Joint Apprenticeship Program shall not be held responsible for the repayment of these funds, the provision of assurances for the repayment of these funds, or the collection of these funds
This measure would state the legislative intent that the California Firefighter Joint Apprenticeship Program shall repay these funds to the Controller. This bill would further state the legislative intent that the Chancellor of the California Community Colleges and the Controller shall rely upon the California Joint Apprenticeship Committee for notification of any available federal training funds for purposes of reducing expenditures from the appropriation made for these purposes by specified provisions of current law.

Res Ch 47 (ACR 8) N Waters George Allen Roadside Rest.
This measure would designate the Sunnybrooke Roadside Rest on State Highway Route 88 as the George Allen Roadside Rest

Res. Ch 48 (AJR 47) N. Waters Sugar industry
This measure would memorialize the Senators and Representatives from California in Congress to support the continuation of a federal program to maintain the sugar industry

Res Ch. 49 (AJR 8) Farr Philippine Scouts: pay and benefits.
This measure would memorialize the President and Congress to enact legislation authorizing payments to former Philippine Scouts or their survivors representing the difference between their pay and allowances and that of American soldiers during World War II, and for a corresponding increase in pension benefits for surviving former scouts

Res. Ch 50 (AJR 58) Cortese Apricots: domestic use
This measure would memorialize the Secretary of the United States Department of Agriculture to provide written assurance to purchase additional domestic apricot juice, as specified, for the National School Lunch Program

Res Ch 51 (SJR 6) Marks Outer Continental Shelf oil and gas revenues.
This measure memorializes the President and Congress to enact legislation allocating an equitable share of revenues from Outer Continental Shelf oil and gas development off California's coastline to the state and to earmark an equitable portion of those revenues to affected local governments

Res Ch 52 (SJR 7) Marks United States Customs Service jurisdiction.
This measure would memorialize the United States Customs Service to maintain uniform jurisdiction over all West Coast ports and to increase customs inspectors on the West Coast to ensure the continued movement of international trade

Res Ch. 53 (SJR 11) Marks Shipbuilding and repair industry
This measure would memorialize the President and Congress to do everything possible for the revitalization and strengthening of the United States shipbuilding and repair industry

Res Ch 54 (SCR 35) Stiern. Joint Legislative Budget Committee funding.
This measure would, pursuant to the Budget Act of 1985, transfer $2,662,000 from the Contingent Fund of the Senate, and $2,663,000 from the Contingent Fund of the Assembly, or so much thereof from each fund as may be necessary, for support of the Joint Legislative Budget Committee

Res. Ch 55 (AJR 63) Hayden Rescinded

Res Ch. 56 (SJR 32) Vuich. Pistachios. importation. customs regulation
This measure would memorialize the United States Secretary of the Treasury and the Assistant Secretary of the Treasury for Enforcement and Operations to take immediate action to adopt specified regulations regarding the marking of imported pistachios.

Res Ch 57 (SJR 3) Petris. Turkey
This measure would memorialize the President and the Congress of the United States to petition the Turkish government to effect the protection of the civil liberties of Orthodox Christians

Res. Ch 58 (SJR 4) Ellis. Maximum speed limit.
This measure would memorialize the Congress of the United States to enact legislation to allow state legislatures to raise the maximum speed limit on selected freeways

Res. Ch 59 (SJR 18) Vuich Trade deficits
This measure would memorialize the President, the Congress, and the Board of Governors of the Federal Reserve System of the United States to provide the strong, prompt, and decisive leadership necessary to reverse the growing U S trade deficits
The measure would also memorialize the President, the Congress, and the Board of Governors of the Federal Reserve System of the United States to exercise the monetary and fiscal policies necessary to reduce U.S interest rates, to discourage foreign exchange market speculation which has contributed to an overvalued U S dollar, and to encourage other nations to assist in reducing the current lopsided U.S. trade deficit

Res Ch 60 (AJR 63) Hayden Ida Nudel. emigration to Israel
This measure would memorialize the government of the Union of Soviet Socialist Republics to allow Ida Nudel to emigrate to Israel The measure would also memorialize the President and other federal officials to use all appropriate diplomatic channels to attempt to persuade Soviet authorities to allow her to emigrate.

Res. Ch. 61 (SJR 15) Mello Coastal zone management.
This measure would memorialize the President and the Congress to reauthorize the federal Coastal Zone Management Act of 1972

Res. Ch. 62 (AJR 39) Costa. National Railroad Passenger Corporation
This measure would memorialize the President of the United States to study ways to improve passenger rail service, to continue support and funding for Amtrak, and to support the Congress in its appropriations of those funds

Res. Ch. 63 (SJR 9) Rosenthal Employee Retirement Income Security Act.
This measure would memorialize the Congress of the United States to enact legislation amending the Employee Retirement Income Security Act (ERISA) to narrow its preemption of state law to permit the states to enact legislation which will provide benefits in addition to the protections required by ERISA.

Res. Ch. 64 (SJR 17) Marks Vessel air emissions standards
This measure would memorialize Congress to undertake or to direct the United States Coast Guard to undertake a study on vessel air emissions standards which recognizes the importance of uniformity and its effect on foreign trade

Res. Ch. 65 (SCR 20) Watson Health: black persons
This measure would request government entities and the private sector to resolve the disparity in health status between the black and majority population and improve the health status of California's black population

Res. Ch. 66 (SCR 19) Garamendi. Jiangsu Province. friendship state.
This measure would declare Jiangsu Province of the People's Republic of China a friendship state of California It would extend to the people of Jiangsu Province an invitation to join California as a friendship state It would also declare the Legislature's commitment to establishing programs to further the friendship state relationship and request the appropriate state officials to contact the government of Jiangsu in order to negotiate a friendship agreement

Res. Ch. 67 (SCR 22) Mello. Pacific Fisheries Legislative Task Force
This measure would require the Senate Committee on Rules and the Speaker of the Assembly to appoint 2 Senators and 2 Assembly Members, respectively, to represent the California Legislature on the Pacific Fisheries Legislative Task Force and, subject to the approval of the Senate Committee on Rules and the Assembly Committee on Rules, would make funds available, in equal amounts, from the Senate Contingent Fund and the Assembly Contingent Fund, respectively, for the California share of the task force expenses.
The measure would request that each state share in the cost of the task force based on the formula contained in specified provisions of the Pacific Marine Fisheries Compact. The measure would request that the task force and other specified agencies meet in conjunction with one another The measure would also invite the task force to locate its headquarters in Sacramento and, if it does so, would require the Senate Office of Research to offer staff support to the task force, as specified.

Res. Ch. 68 (SJR 19) Torres. Refugees from El Salvador
This measure would memorialize the Congress of the United States to recognize that the refugees from El Salvador are "political refugees" and to grant them asylum or extended voluntary departure status, as well as enact as a temporary measure the Moakley-DeConcini Bill

Res Ch 69 (SJR 34) Beverly United Airlines-Pan American World Airways agreement
This measure would urge the United States Secretary of Transportation to expedite the application for approval of the United Airlines-Pan American World Airways agreement, whereby United Airlines will purchase Pan American's pacific division.

Res Ch 70 (ACR 17) Bates Taxation
This measure would direct the Legislative Analyst to establish a process by which all tax exceptions, as defined, are reviewed, and to report on the process to the Legislature by December 31, 1986. It would also direct the analyst to prepare a report analyzing tax exceptions in accordance with the process, and to submit the report to the Legislature no later than December 31 of every even-number year

Res. Ch. 71 (AJR 23) Naylor Federal estate taxation
This measure would memorialize the President and the Congress of the United States to enact changes to specified provisions of the Internal Revenue Code, which would recognize the restricted use of agricultural land subject to a Williamson Act contract in determining the fair market value of that land for federal estate tax purposes.

Res. Ch. 72 (ACR 28) Molina. Health care costs
This measure would request the Legislature to conduct a study on hospital costs, as specified

Res Ch 73 (SCR 41) McCorquodale Firefighting efforts
This measure would commend the individual firefighters, public agencies, private organizations, and news media who have participated in recent firefighting efforts throughout California.

Res Ch. 74 (ACR 3) Vasconcellos Disabled persons' postsecondary education
This measure would direct the California Postsecondary Education Commission to convene a committee composed of representatives from the University of California, the California State University, the Board of Governors of the California Community Colleges, the Association of Independent Colleges and Universities, and the State Department of Education, with the cooperation of other appropriate state agencies, for the purpose of developing and adopting a plan to achieve certain goals and containing specified elements with respect to disabled students who are able to profit from instruction and make reasonable academic progress

Res. Ch. 75 (ACR 12) Rogers Scouting movement
This measure would recognize February 8 as the 75th anniversary of the Boy Scouts of America and March 12 as the 73rd anniversary of the Girl Scouts of the U S.A

Res. Ch 76 (ACR 50) Leonard State employee merit awards.
This measure would authorize merit awards, which have been approved by the Department of Personnel Administration, to be paid to specified state employees

Res Ch 77 (AJR 9) McAlister Health care
This measure would memorialize Congress to authorize and provide funding of a study, to be conducted by an independent research organization, to analyze health care policy and delivery systems for the purpose of guiding the Congress of the United States and state legislatures in the enactment of health care legislation

Res Ch. 78 (SJR 24) Dills. Persons of Japanese ancestry interned during World War II: Civil Liberties Act of 1985
This measure would urge the Congress of the United States to enact those portions of the proposed Civil Liberties Act of 1985 which relate to the redress of the grievances of American citizens and resident aliens of Japanese ancestry who were interned in the United States during World War II

Res. Ch. 79 (SJR 36) Watson Fire emergencies request for federal assistance.
This measure would memorialize the President and Congress to declare a major disaster in the Counties of Monterey, San Diego, San Luis Obispo, Santa Clara, Santa Cruz, and Ventura and the City of Los Angeles on account of brush and forest fires, thereby making available federal assistance to the victims of the fires

Res. Ch 80 (SJR 1) Ellis. Airplane pilots: blood-alcohol limit
This measure would memorialize the Federal Aviation Administration to issue a rule that would set the lowest level at which alcohol is detectable in the blood as the blood-alcohol level at which pilots would be considered intoxicated.

Res. Ch 81 (SJR 12) Doolittle Veterans national cemetery
This measure would memorialize the President, Congress, and the Veterans' Administration to establish a new national cemetery at a site in northern California

Res Ch. 82 (SJR 14) Keene. National forest revenue sharing.

This measure would memorialize the President and the Congress, the Secretary of Agriculture, the Chief of the Forest Service, and the Director of the Office of Management and Budget not to implement legislative or budgetary initiatives which would reduce the national forest revenue sharing funds received by the states.

Res Ch. 83 (SJR 16) Alquist National Railroad Passenger Corporation

This measure would memorialize the Congress to provide sufficient funding through appropriation of those amounts of money necessary to keep Amtrak in at least as sound a position operationally and financially in the 1985–86 fiscal year as it has been in the 1984–85 fiscal year

Res. Ch. 84 (ACR 25) Molina. State highways: Los Angeles Children's Museum: directional signs.

This measure would request the Department of Transportation to erect and maintain directional signs on State Highway Route 101 in the City of Los Angeles that indicate the direction to the Los Angeles Children's Museum if the Los Angeles Children's Museum pays the cost of purchasing and erecting the signs.

Res. Ch. 85 (ACR 48) Costa. California Water Forum.

This measure would encourage the California Water Forum to proceed expeditiously with its statewide Water Policy Option Scenarios Report and to submit the report to the Legislature prior to October 1, 1986, for consideration and further action by the Legislature The measure would declare the intent of the Legislature, and would encourage state administrative agencies, to cooperate with the forum in the preparation of its report

Res. Ch 86 (SJR 13) Presley Federal mineral leasing: revenue sharing.

This measure would memorialize the President and the Congress, the Secretary of the Interior, the Director of the United States Minerals Management Service, and the Director of the Office of Management and Budget to revise the federal government's mineral leasing royalty management system to ensure that states receive their full entitlement of revenue sharing funds and to refrain from implementing budgetary initiatives which would reduce those funds

Res. Ch 87 (SCR 40) Roberti Joint Committee for Review of the Master Plan for Higher Education: membership.

Existing law requires that the Master Plan for Higher Education be reviewed by the Legislature at 10-year intervals. Resolution Chapter 175 of the Statutes of 1984 established the Joint Committee for Review of the Master Plan for Higher Education, and required that the committee consist of 7 members of each house of the Legislature, as specified, and that the committee submit its recommendations to the Legislature by March 1, 1987.

This measure would expand the membership of the committee to 9 members of each house of the Legislature, as specified.

Res. Ch. 88 (SCR 14) Carpenter. Chemical Education for Public Understanding Project.

This measure would request the Regents of the University of California to support the Chemical Education for Public Understanding Project of the Lawrence Hall of Science by providing funds for the project to match the contributions pledged by industry, and would request the regents to include, in this project, an information and training center and the development of educational materials regarding hazardous substances

Res. Ch. 89 (SCR 46) Doolittle. School safety.

This measure would request the Governor to proclaim the week of October 20 through 26, 1985, as "California's Safe Schools Week" and the 1985–86 school year as "California's Year of School Safety and Student Attendance."

Res Ch. 90 (SCA 5) Deddeh State officers: retirement allowance limitations

Under current law, a person entering upon a term of public office thereupon acquires, for the balance of that term, vested contractual retirement rights based on the benefits then provided and, thereafter, may acquire additional rights based on any additional benefits conferred unconditionally during that term. Although public officers do not

obtain any absolute rights to a fixed or specific benefit, any modification of the retirement system in effect during a protected term of office must be reasonable and any changes therein which result in disadvantages to officers must be accompanied by new comparable or offsetting advantages.

This measure would prohibit payment by, respectively, the Legislators' Retirement System (LRS) or the Judges' Retirement System (JRS) of any unmodified public retirement allowance or its actuarial equivalent to any person who, on or after January 1, 1987, entered for the first time, respectively, any state office for which membership in the LRS was elective or any state office subject to the JRS, or to any of their beneficiaries or survivors, which exceeds the higher of (1) the salary receivable by the person currently serving in that office or (2) the highest salary received by the retired person while serving in that office

This measure would specifically authorize the Legislature to define the terms used therein.

Res. Ch. 91 (SCR 7) Petris. Free speech

This measure would declare October 1, 1985, and October 1 of each year thereafter "Free Speech Day."

Res. Ch. 92 (SCR 8) Rosenthal. Mobile radio telephones: driver safety.

This measure would request the Commissioner of the California Highway Patrol to study driver safety in the use of mobile radio telephone equipment under metropolitan traffic conditions and to formulate findings and conclusions on these matters, including, but not limited to, specified safety-related factors and considerations in the design and use of these devices, and to establish and chair a committee composed of representatives of the Office of Traffic Safety, the Department of the California Highway Patrol, the mobile radio telephone and insurance industries, automobile associations, and others deemed appropriate by the commissioner to review and evaluate the commissioner's findings and conclusions in this regard. The measure would request the commissioner to report to the Legislature, after consideration of the committee's review and evaluation, not later than July 1, 1986, on the subject of this resolution.

Res. Ch. 93 (SJR 10) Watson. Substance abuse in sports.

This measure memorializes that the President and the Congress of the United States research the problems and incidence of substance abuse in sports through the establishment of a national sports drug information and rehabilitation network designed to educate both athletes and fans on and off the field, with a special emphasis placed on educating children and amateur athletes about the hazards of drug and alcohol abuse

Res Ch. 94 (SCR 16) B. Greene. Engineering education.

This measure would request the California Postsecondary Education Commission to conduct a study of the attrition rate of students in engineering education, to determine if ethnic minority and women students have a higher attrition rate than all engineering students, and, if so, to determine the causes of this higher attrition rate and develop recommended solutions to increase the retention rate for minority and women students in engineering programs, as specified.

Res. Ch. 95 (SCR 23) Montoya. Cable television: publicizing information on missing children.

This measure recognizes the unique capability of cable television systems to publicize information concerning missing children, and encourages and urges cable television systems to include in their community service programming any information which may aid viewers in identifying and reporting the whereabouts of missing children, including the dissemination of a centralized Department of Justice telephone number which citizens may utilize to report information concerning missing children.

Res. Ch. 96 (SCR 26) Rosenthal Fire safety standards.

This measure would request the State Fire Marshal and the Director of General Services to conduct a study to determine which state-owned buildings administered by the Department of General Services are in violation of existing fire and safety building standards, to estimate the cost of bringing these buildings up to local fire safety stand-

ards, and to devise a plan whereby they would work in conjunction with local fire enforcement agencies to establish a fire emergency preparedness program.

Res. Ch 97 (SCR 38) Bergeson. Newport Bay pollution regional board.
This measure would request the California Regional Water Quality Control Board, Santa Ana Region, to vigorously and effectively implement its duties with respect to pollution concerns of Newport Bay and to prepare a report on the water quality of Newport Bay and to submit the report to the Legislature not later than November 15, 1985.

Res. Ch. 98 (SCR 39) Seymour. Merchant Marine Veterans of World War II.
This measure would honor and commend the men who served in the Merchant Marine during World War II.

Res. Ch. 99 (SCR 44) Presley. "Coast Week" and "California Coastal Clean-Up Day."
This measure would declare the week of September 21 through 28 as "Coast Week" and the day of September 21, as "California Coastal Clean-Up Day."

Res. Ch. 100 (SCR 45) Craven. 210th Anniversary of the U S. Marine Corps.
This measure would commend the United States Marine Corps on the occasion of its 210th anniversary, encourage all Californians to join in the celebration of this event, proclaim the weekend of November 8 through November 10, 1985, as "United States Marine Corps Days", and request the Governor to issue a proclamation thus designating those days.

Res. Ch. 101 (SJR 28) Presley. Methanol-powered vehicles.
This measure would memorialize the President and the Congress of the United States to recognize the air quality benefits of methanol-powered vehicles and to provide auto manufacturers with a credit against their corporate average fuel economy standards for the production of vehicles powered by methanol or powered by either methanol or gasoline.

Res. Ch 102 (SCR 25) Roberti Oxides of nitrogen emissions: motor vehicle and stationary sources.
This measure would request the State Air Resources Board to hold a public hearing to consider the adoption of oxides of nitrogen emission standards for light, medium, and heavy duty motor vehicles, to analyze the impact of motor vehicle and stationary sources of emissions on visibility and on acid deposition in and beyond the region where they are generated, and to include in a specified report specified information on oxides of nitrogen emission controls and cleaner-burning fuels.

Res. Ch. 103 (SCR 47) Robbins. Transportation: Los Angeles County Kenneth Hahn.
This measure would recognize Los Angeles County Proposition A on the November 1980 ballot as the Kenneth Hahn Act in honor of the role of Supervisor Kenneth Hahn in the development of an efficient transportation system in Los Angeles County.

Res. Ch 104 (SJR 23) Marks. Coast Guard Vessel Traffic Service.
This measure would memorialize the President and the Congress to provide full congressional funding to continue the Coast Guard Vessel Traffic Service in San Francisco Bay.

Res Ch. 105 (SJR 30) Roberti. Federal income taxation.
This measure would memorialize the President and Congress of the United States to retain the deductibility of state and local taxes in any revision of federal income tax law which is enacted.

Res Ch. 106 (SJR 37) Montoya. Boxing.
This measure would urge the Congress of the United States to enact H.R. 1689, which would create a national oversight committee and central registry for boxers.

Res. Ch 107 (ACR 23) Bradley Commission for the Review of the Master Plan for Higher Education

This measure would request that the California Postsecondary Education Commission review data submitted to it by each segment of California's public institutions of higher education concerning their respective hiring, promotional, and discharge policies, to compile the data into a report, make comments, and submit the report to the Legislature This measure would request the Board of Governors of the California Community Colleges, the Trustees of the California State University, and, should they elect to do so, the Regents of the University of California, to prepare the necessary data and information to assist the commission in the study required by this measure

Res Ch 108 (ACR 27) Harris University of California South African exchanges.

This measure would urge the University of California not to participate in any scientific, cultural, or academic exchanges that help to maintain or strengthen the apartheid system in the Republic of South Africa

Res Ch. 109 (ACR 30) Hughes South African gold currency

This measure would express the protest of the Legislature to the sale of the gold currency of the Republic of South Africa in this state and would urge every citizen of California who advertises an offer to sell or purchase such currency to include in the advertisement a notice to the effect that the United States is presently imposing an arms embargo on the Republic of South Africa due to its racial policies

Res. Ch 110 (ACR 34) Agnos Missing children

This measure would request the Office of Criminal Justice Planning to conduct a specified study relating to missing children and the response of law enforcement to reports of missing children.

Res Ch. 111 (ACR 35) Klehs High school dropouts

This measure memorializes the Superintendent of Public Instruction and the State Board of Education to exert leadership in regard to the school dropout problem by committing manpower and resources to help school districts to solve the school dropout problem

The measure also memorializes the Superintendent of Public Instruction to notify each school district in California that 1986 is the "Year to Solve California's Dropout Problem "

Res Ch 112 (ACR 36) Elder State highways studies

This measure would request the Institute of Transportation Studies of the University of California to conduct a study of the concept of dynamic weight as a basis for determining highway degradation, improved pavement design and potential vehicle equipment alternatives. The institute would report to the Legislature by January 1, 1986, on the potential costs, methodologies, time requirements, and program contents This measure would also request the institute to coordinate the preparation of its report with the Department of Transportation and other appropriate entities to make use of existing research data

Res Ch 113 (ACR 40) Stirling School facilities needs report: Superintendent of Public Instruction office of the Legislative Analyst

This measure would request the Superintendent of Public Instruction to prepare a specified school facility needs report, and to submit the report to the Legislature within 6 months of the effective date of this resolution

This measure would request the Legislative Analyst to review the report, and, within 90 days of its receipt, to submit to the Legislature any comments and recommendations regarding the report that the Legislative Analyst deems appropriate

Res Ch 114 (ACR 41) Stirling Railroad service: study

This measure would request the Regents of the University of California to examine the feasibility of conducting a high-speed rail study at the University of California, as specified, and to report its findings and recommendations to the Legislature on or before January 1, 1987

Res Ch 115 (ACR 44) Rogers Colleges and universities. disposition of intellectual property rights

This measure would request the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges to each assess their current practices, and to develop a policy statement for the colleges and universities within their respective jurisdictions, regarding the disposition of intellectual property rights resulting from academic research, as specified These institutions would be requested to report, no later than March 31, 1986, to the educational policy committees of each house of the Legislature, to the Joint Committee on Science and Technology, and to the Assembly Subcommittee on Economic Development and New Technologies

Res. Ch 116 (ACR 46) Cortese Health care services

This measure would proclaim 1986 as Senior Health Year and would propose the establishment of a statewide functional health screening program with services to be provided in senior centers with the assistance of volunteers wherever possible in order to provide preventive health screening for senior citizens, with the program to take into consideration the special needs of minority seniors

This measure would also memorialize the Legislature and the Governor of the State of California to enact appropriate legislation with an appropriation sufficient to address the concerns set forth in this measure

Res Ch 117 (ACR 47) Filante Physicians and surgeons alcohol or drug abuse diversion program

This measure would request the Auditor General to conduct an examination of the diversion program for physicians and surgeons who suffer from alcohol or drug abuse which is conducted by the Board of Medical Quality Assurance and report the findings of this examination to the Legislature no later than one year after the date this measure is chaptered

Res Ch 118 (ACR 54) Hughes Community college enrollment

This measure would request the Commission for the Review of the Master Plan for Higher Education to conduct an investigation of specified factors relating to recent decreases in community college enrollment and interdistrict student enrollment, and to include its findings and recommendations in the report on higher education it is to submit to the Legislature and the Governor no later than January 1, 1987

Res Ch 119 (ACR 55) Rogers Seismic safety

This measure would request the State Architect to give full consideration to new technology that can mitigate the effects of a major earthquake on new or existing public buildings, personnel, equipment, data systems, and other elements of vital concern to the state that are at risk from seismic events, would request the State Architect to report back to the Legislature within 120 days on the actions taken to effect the use of new seismic technology in new building design or retrofitted into existing buildings, and would request that the State Architect take whatever action is permitted under existing law to incorporate new seismic technology into state and other publicly owned, operated, or licensed buildings to mitigate the negative effects of earthquakes

Res Ch 120 (ACR 58) Vasconcellos Student financial aid. simplification of application form

This measure would request the Student Aid Commission to appoint and convene a task force on the simplification of the student financial aid application form, comprised of 13 representatives of specified organizations, and to report the recommendations of the task force to the Legislature by January 31, 1986

Res Ch 121 (ACR 59) Mountjoy Good Samaritan Week

This measure would request the Governor to proclaim the first week of November 1985, as "Good Samaritan Week" in this state

Res Ch. 122 (ACR 61) Agnos. Head Injury Awareness Month

This measure would declare October 1985, to be "Head Injury Awareness Month."

Res. Ch. 123 (ACR 62) Statham State highways logo signing

This measure would request that the Department of Transportation define rural areas, for the purpose of the logo signing programs, as those areas inhabited by 7,000 or fewer residents along Interstate Route 5 in Siskiyou County

Res Ch 124 (ACR 67) Hayden. University of California antiapartheid public service programs

This measure would request the President of the University of California to consider methods of engaging the university's public service mission, resources, and capacity in an enhanced effort to further social justice, civil liberties, and educational opportunities for Black and other oppressed South Africans, including a legal defense program and other specified programs The measure would request the Board of Directors of the Hastings College of the Law to consider ways for its law faculty and students to participate in the legal defense program

This measure would also request the president and the board of directors to report to the Legislature on or before January 15, 1986, on the feasibility of establishing these programs and others like them

Res Ch 125 (ACR 69) Sher Department of Motor Vehicles

This measure would request the Governor and the Director of Motor Vehicles to modify the appointment system, as described, and to employ a sufficient number of employees to promptly and efficiently serve the people of the state The measure would also request the Department of Motor Vehicles to strive to obtain needed equipment and staff to provide service as specified and to report its progress in meeting the goals to the Legislature by October 1, 1985 The measure would also request program element scheduling in succeeding year budget bills, as specified and the department to provide specified quarterly progress reports on its automation system

Res Ch 126 (ACR 73) Hayden College preparation

This measure would request the Superintendent of Public Instruction, in cooperation with the Regents of the University of California and the Trustees of the California State University system, to convene a Task Force on College Preparation to make recommendations on specified issues

This measure would direct the task force to submit its final recommendations to the State Board of Education, the Regents of the University of California, and the Trustees of the California State University for review and comment by June 30, 1986 Each of the boards would be requested to endorse or reject the task force's recommendations by resolution by August 31, 1986 The measure would request that the task force's final recommendations, together with the resolutions adopted by the boards, be submitted to the California Postsecondary Education Commission, the Commission on the Review of the Master Plan, and the Joint Legislative Committee on the Master Plan by November 30, 1986

Res Ch 127 (ACR 74) Johnston William Elton "Browne" Brown Freeway

This measure would designate a specified portion of State Route 580 as the William Elton "Browne" Brown Freeway and would direct the State Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect those plaques and markers upon receiving private donations covering that cost

Res Ch 128 (ACR 75) Johnston Robert T Monagan Freeway

This measure would designate State Highway Route 205 as the Robert T Monagan 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. 129 (ACR 84) Naylor Highway 92/101 intersection Leslie Charlene Curtis

This measure would declare legislative support for the placement of a plaque in memory of Leslie Charlene Curtis at the base of the newly constructed Highway 92/101 intersection

Res Ch 130 (ACR 85) Farr Monterey Bay pollution.

This measure would establish a comprehensive plan and surveillance program for Monterey Bay pollution research, monitoring, and health risk assessment, headed by the State Department of Health Services

This measure would request the State Department of Health Services, assisted by specified agencies, to prepare a plan and establish a surveillance program for Monterey Bay pollution research, monitoring, and health assessment, and to submit the plan and a status report on the present water quality of the bay to the Legislature by January 1, 1986

Res Ch 131 (AJR 4) Felando Income taxation deductions

This measure would memorialize the President and the Congress of the United States to enact legislation to provide a federal income tax deduction similar to California law for the cost of remodeling or repairing any building, facility, or transportation vehicle to provide access for physically handicapped and elderly persons

Res Ch 132 (AJR 16) Filante Federal Council on Women

This measure would memorialize the President and the Congress of the United States to enact legislation which would establish a Federal Council on Women to function as an oversight body on matters relating to the expanding poverty of women

Res Ch 133 (AJR 17) Hannigan Use taxes mail order houses

This measure would memorialize the President and Congress to enact federal legislation which would reverse a specified United States Supreme Court case and thereby allow states to require mail-order houses to collect and report state use taxes

Res Ch 134 (AJR 20) Moore Nuclear technology

This measure would state the support of the Legislature for federal legislation that would, among other things, prohibit the cooperation of any kind by each and every department, agency, official, officer, and employee of the federal government which could in any way increase the ability of the Republic of South Africa to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices

Res Ch 135 (AJR 21) Harris Visas for South African athletes

This measure would call upon the United States Attorney General to refuse to issue visas to segregated South African teams and segregated athletes representing the government of South Africa to participate in athletic events in the United States

Res Ch 136 (AJR 22) Harris South Africa

This measure would memorialize the President and the United States Department of State to welcome refugees from South Africa and to grant asylum specifically to those refugees from South Africa who have been forced to flee to the United States because of their refusal to participate or fight in the military forces in South Africa, as well as all other refugees in that country

Res Ch 137 (AJR 25) Hughes Sale of Krugerrands

This measure memorializes the U S Congress to require all advertisements for the purchase or sale of Krugerrands to contain a statement indicating that the federal government has imposed an arms embargo on South Africa due to its racial policies

Res Ch 138 (AJR 27) Hauser Energy restitution to consumers

This measure would memorialize the President and Congress of the United States to halt all plans to utilize Petroleum Violation Escrow Account funds to supplant existing programs or to reduce the federal deficit, and instead to continue the practice of apportioning the funds to the states for restitution to energy consumers directly or through beneficial energy programs

Res. Ch 139 (AJR 29) Sher United States Postal Service change of address orders

This measure would memorialize the Congress of the United States to enact legislation requiring the United States Postal Service to transmit a copy of a change of address order to elections officials in order to continue a voter's registration at his or her new residence

Res Ch 140 (AJR 32) Moore Nelson Mandela

This measure would memorialize the President and Congress of the United States to call for the immediate and unconditional release of Nelson Mandela and all other political prisoners in the Republic of South Africa and full amnesty for all South African political exiles

Res Ch 141 (AJR 41) Duffy Social Security Act

This measure would memorialize the President and the Congress of the United States to not attempt to scale back the cost-of-living increases due under social security

Res Ch 142 (AJR 44) Elder American tuna industry

This measure would memorialize the President, Congress, and the International Trade Commission to review trade practices adversely affecting the American tuna industry and to do everything possible to strengthen and support this segment of the economy The measure would also encourage Californians and all Americans to buy tuna in support of this essential American industry

Res Ch 143 (AJR 46) Roos Jewish citizens of the Soviet Union emigration to Israel

This measure would memorialize the government of the Union of Soviet Socialist Republics to allow certain named Jewish citizens of the Soviet Union to emigrate to Israel The measure would also memorialize the President and other federal officials to use all appropriate diplomatic channels to attempt to persuade Soviet authorities to allow the emigration of these individuals

Res Ch 144 (AJR 48) Felando Fabricated structural steel imports

This measure would commend the Office of the United States Trade Representative for its efforts in assuring free, fair trade in steel products by negotiating the voluntary import agreement with the Republic of Korea

This measure would urge the United States Trade Representative and other United States government officials to closely monitor the agreement to achieve compliance with provisions limiting imports of fabricated structural steel to the West Coast to approximately 20,000 tons per year for the next 5 years

This measure also would urge the United States Trade Representative to make all necessary efforts to include fabricated structural steel in those steel products covered in the European Community Steel Arrangement as it is renewed

Res Ch 145 (AJR 52) Cortese Nuclear crisis control centers

This measure would commend the President for his announced support for confidence-building measures and for his initiation of negotiations which have occurred, to establish better communications with the Soviet Union, and would urge the President to pursue negotiations on these measures with the government of the Union of Soviet Socialist Republics (Soviet Union) and to add to these negotiations the establishment of crisis control centers in both nations.

This measure would also encourage each city and county in California to join in this endeavor to support the creation of the United States and Soviet Union Crisis Control Centers, by passing a similar resolution endorsing the creation and by sending money to the President to be held in trust for the support of the center The money would be raised either by initiating a public fund drive within each jurisdiction or by appropriation

Res Ch 146 (AJR 54) Konnyu The Major Arthur D Nicholson, Jr , Gate

This measure would memorialize the President and the Congress to rename "Check Point Charlie" as the Major Arthur D Nicholson, Jr , Gate in memory of Major Nicholson, and as a reminder that all citizens of the world must be vigilant against future Soviet violence and aggression

Res Ch 147 (AJR 57) Roos Smoot-Hawley Tariff Act of 1930

This measure would memorialize the Secretary of the Treasury to adopt appropriate regulations which identify goods being imported into this country and which have been made, in whole or in part, by forced labor in the Soviet Union

Res. Ch. 148 (AJR 64) Hauser Timber imports
This measure would memorialize the President and the Congress to enact legislation aimed at ending Canada's unfair advantage over the domestic timber industry, as specified

Res Ch 149 (AJR 66) Lancaster Federal transportation assistance funding
This measure would memorialize the President and Congress to be guided by various stated considerations in enacting legislation providing for federal programs of assistance to states for transportation projects

Res Ch 150 (AJR 70) Allen Santa Ana River flood control
This measure would memorialize the President and the Congress to authorize construction of the All-River Protection Plan alternative of the Santa Ana River Main Stem Flood Control Project during the 99th Session of Congress and to appropriate the funds needed to start construction during fiscal year 1987

Res Ch 151 (AJR 73) Clute Cal-Vet bonds tax-exempt status.
This measure would memorialize the President and Congress to exclude veterans' mortgage subsidy bonds from any restrictions on the tax-exempt status of nongovernmental use bonds

Res Ch 152 (AJR 75) N Waters Africanized bees
This measure would memorialize the Secretary of Agriculture and the United States Department of Agriculture to establish a research and pest control program in Mexico for the minimization and neutralization of the Africanized bees

Res Ch 153 (AJR 76) Floyd Competition in military procurement
This measure would memorialize the President and the Congress of the United States to direct the Secretary of Defense and the Pentagon to consider the advantages of competition and to utilize competitive bidding procedures, before awarding defense contracts

Res Ch 154 (AJR 77) Agnos Haym Salomon
This measure would memorialize the President and the Congress of the United States to enact legislation which permits the placement of a privately funded statue of Haym Salomon in the United States Capitol Building or on the Capitol grounds and to permit the erection of a privately funded monument to Haym Salomon on federal land within the District of Columbia

Res Ch 155 (SCR 42) Foran Harold "Bizz" Johnson Interchange
This measure would designate the State Highway Route 92-101 Interchange as the Harold "Bizz" Johnson Interchange The measure would direct the Department of Transportation to determine the cost of appropriate plaques and markers and, upon receiving donations from private sources covering the costs, to erect the plaques and markers

Res Ch 156 (SCR 43) Torres Chinese American Community and Cultural Center
This measure would urge the Los Angeles County Board of Supervisors to approve a proposal for the construction of a Chinese American Community and Cultural Center and related facilities on Los Angeles County Lot 45 to be implemented in cooperation with the Los Angeles City Community Redevelopment Agency and the local Chinese American Community Coalition

Res Ch 157 (SJR 20) McCorquodale Daylight saving time
This measure would memorialize the President and Congress of the United States to amend federal law to authorize western states in the Pacific Time Zone to extend daylight saving time until after the presidential general election.

Res Ch 158 (SJR 31) Torres Immigration quotas
This measure would memorialize the President and the Congress of the United States to enact H R 1482 in order to raise the yearly quota for immigrants from Hong Kong from 600 to 5,000

1985 DIGEST CHAPTERS SUPERIOR NUMBERS

1 I am reducing the General Fund appropriation contained in Assembly Bill No. 1304 by $6,738,000 for the following reasons·

Commission on California State Government and Economy (Little Hoover Commission)

I previously vetoed funds for a 1984–85 study of pesticide regulations by the Commission on California State Government Organization and Economy (Little Hoover Commission) because extensive studies have previously been made The Commission, however, chose to conduct the study and now seeks funding of $20,000 to cover their costs In view of my previous action on this specific issue, the appropriation of $20,000 is not appropriate and the Commission should be required to absorb as much of the cost as possible It is my understanding that the Commission will need only $5,000 and can absorb the remaining amount For this reason I am reducing this appropriation from $20,000 to $5,000

Department of Social Services - In-Home Supportive Services (IHSS) Program

I have already signed AB 1470 (Chapter 86) which provides the necessary funding for the IHSS Program I have retained $540,000 of the appropriation contained in the bill for this program. This amount will offset a technical error that was made in an earlier version of this bill and will provide funding for the programs as proposed by the Administration and accepted by the Legislature

Department of Education - Gifted and Talented Education (GATE) Program

Education Code Section 52211 provides for apportioning shortfalls which may occur in this program I have reduced the appropriation by $295,000 which will allow the provision of Education Code 52211 to be put in place

I am also eliminating the language contained in Section 13332 04(c) of the Government Code added by this bill because it is an infringement on the separation of powers in that it usurps Executive Branch authority to effectively administer State Government I am opposed to the language which requires the Department of Finance to submit budget planning data to the Legislature during the Budget preparation process Such data has always been confidential information because they are an integral part of the development of the Governor's Budget and should remain confidential until the decision process to which they relate is completed with the presentation of the Budget to the Legislature

With these reductions and deletions, I approve Assembly Bill No. 1304

GEORGE DEUKMEJIAN, Governor

2 I object to the following appropriations contained in Senate Bill No 150:

Item 0250-001-001—For support of Judiciary I reduce this item from $68,310,939 to $68,160,939 by reducing:

(c) 30—Judicial Council from $13,356,456 to $13,206,456.

I am reducing this item by $150,000 for judicial education related to the handling of child abuse victims Funding for this purpose should be included in the pending legislation that would authorize the establishment of this program

Item 0630-495—For support of the Governor's Office of Special Health Care Negotiations.

I support reversion of the unexpended balance of the 1982 appropriation provided by Chapter 328, Statutes of 1982 for the Governor's Office of Special Health Care Negotiations. The responsibilities of this office to negotiate Medi-Cal hospital contracts has been completed. However, I do not believe that the reappropriation of these funds, added by the Legislature, to the California Medical Assistance Commission for a pilot capitation program for educational and technical assistance to disproportionate provider physicians is appropriate. Such a program is not presently a function of the commission and I believe adding this type of activity would detract from the commission's effectiveness in its primary concern.

I am also revising the language in this item as follows:

"Reversion, Governor's Office of Special Health Care Negotiations. As of June 30, 1985 the unencumbered balance of the appropriation provided in Chapter 328, Statutes of 1982, shall revert to the unappropriated surplus of the General Fund. ~~The amount reverted pursuant to this item is hereby reappropriated for transfer by the State Controller to the California Medical Assistance Commission for the purpose of establishing a pilot capitated health program to provide educational and technical assistance to disproportionate health provider physicians and surgeons.~~"

Item 0820-001-001—For support of Department of Justice. I reduce this item from $121,479,572 to $117,923,000 by reducing:

(a) 11.01—Executive-Administration from $37,255,000 to $36,418,000,

(b) 11.02—Distributed Executive-Administration from −$37,255,000 to −$36,418,000,

(e) 40—Criminal Law from $31,486,000 to $28,712,000,

(f) 45—Public Rights from $16,417,000 to $15,893,000, and

(g) 50—Law Enforcement from $97,187,572 to $96,929,000.

I am reducing $258,572 and 5 positions for the expansion of staff in the forensic services laboratories. Recognizing the important role of the laboratories in the criminal justice system, I have included in the budget $1,200,000 for 5 new positions, additional overtime, and new equipment. This action represents the first phase of a three-year effort to upgrade the laboratory system to one of the most modern in the nation. The program currently includes $10.4 million and 178.7 personnel years. Additional staffing needs will be monitored as workload trends and efficiencies due to the new equipment are evaluated.

I am reducing the legislative augmentation of $524,000 and 6.8 positions from the Public Rights Program for the Diablo Canyon Rate Case. Participation in this case by the Attorney General is discretionary and can be handled on a priority basis within the Public Rights Program which consists of $15.6 million and 139.6 personnel years.

I am reducing the legislative augmentation of $1,193,000 and 20 positions from the Major Fraud Unit because the primary responsibility for major fraud investigation and prosecution rests with local and federal governments Recognizing that local agencies lack the expertise and resources to handle all cases, I have retained $1,152,000 and 17 positions to provide increased expertise and multijurisdictional coordination.

I am eliminating $1,581,000 and 32.8 positions of the legislative augmentation for the Criminal Law Program for appeals and prison litigation because of uncertainties associated with workload projections and the use of an unjustified revised workload standard. Recognizing recent increases in workload, however, I am retaining $1,581,000 and 32.9 new positions of the augmentation. I believe this augmentation, in addition to significant increases in the 1984–85 and 1985–86 base budget, is sufficient to address workload needs. Total resources for appeals, writs, trials and other constitutional duties now total $22.1 million and 229.7 personnel years

Item 0850-001-562—For support of California State Lottery I eliminate this item

The lottery initiative recently approved by the voters specifies a funding mechanism which does not require a budget act appropriation for the administrative costs of the Lottery The augmentation and related control language could restrict the ability of the Lottery to make rapid adjustments in expenditure levels in responding to fluctuations in game revenues and market conditions This could make it difficult for the Lottery to achieve the goal of maximizing revenues to education. Therefore, I am eliminating this $141,176,500 item and the related language An appropriate fiscal display on lottery operations will be presented in the 1986–87 Governor's Budget.

Item 0860-001-001—For support of State Board of Equalization I reduce this item from $86,394,000 to $81,826,000 by eliminating:

(bx) 300001-Consolidation of office space $4,568,000

I am reducing this item by $4,568,000 for the consolidation of the office space and the purchase of furniture for the Board until the costs and justification for the move have been fully developed and reviewed. To aid in this task, I have retained $55,000 in Item 1760-001-666 which will be used to complete a space needs assessment

Item 0977-101-666—For local assistance. I eliminate this item.

I am eliminating this $10,000,000 item to make future interest payments on bonds issued for county hospital improvements from the General Fund and would guarantee repayment of principal on such bonds from the General Fund. Commitments of general revenues for bond financing should be limited to general obligation bonds which are approved by the voters

Item 0977-101-036—For local assistance I eliminate this item.

I am deleting this item because there is also an appropriation of $5 million for acquisition of equipment by county hospitals in Item 4260-101-036 which makes this item duplicative.

Item 1100-001-001—For support of Museum of Science and Industry

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have allowed the Museum of Science and Industry to realize cost savings in supervisory and administrative staff involved with the operation of the Museum's parking lots was not accepted In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out. I am therefore, eliminating the 14.4 personnel years added by the Legislature which would allow the traditional delivery of services and will use the related funds to contract these services.

Item 1655-090-702—For support of the Department of Consumer Affairs

I have approved this item and its related language. However, Provision 1 requires the department to implement a plan to decentralize inspection services by January 1, 1986. While this is desirable, current law (Business and Professions Code Sections 159.5 and 160 5) requires inspectors to be employees of the Division of Investigation Since this change requires legislation, implementation cannot be completed until enactment of such legislation

Item 1655-092-001—For support of Department of Consumer Affairs I eliminate this item.

I am eliminating $200,000 appropriated to the Department of Consumer Affairs for transfer to the Legislative Analyst for a study of the organization of the Department The Department complied with 1984–85 supplemental language to prepare one such study If the Legislature believes that further study is warranted, and that the study should be undertaken by the Legislative Analyst, it would be more appropriate to augment Item 0130-021-001 for support of joint expenses of the Legislature

Item 1655-094-494—For support of Department of Consumer Affairs I eliminate this item

This action conforms to the action taken in Item 1655-092-001

Item 1705-001-001—For support of the Fair Employment and Housing Commission I reduce this item from $767,000 to $734,000 by reducing

(a) 100000—Personal Services from $605,000 to $572,000

I am eliminating a legislative augmentation of $33,000 for the restoration of one legal counsel position Currently, the Fair Employment and Housing Commission's legal staff rewrite 90 percent of the decisions made by the Office of Administrative Hearings, compared to an average of 5 percent for other users of the Office.

The five remaining attorneys, coupled with a closer coordination with the Office of Administrative Hearings, will enable the Commission to maintain the same level and quality of service currently provided to the public

Item 1710-001-001—For support of the State Fire Marshal

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have

allowed the Fire Marshal to contract work activities within the Fireworks Testing Program that are both seasonal and highly technical was not accepted In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out I am therefore, eliminating the 2 6 personnel years added by the Legislature which would allow the traditional delivery of services and will use the related funds to contract these services.

Item 1710-001-199—For support of the State Fire Marshal. I am deleting Provision 1.

I am deleting Provision 1 regarding the contract for fireworks testing, disposal and development of a testing guide This language precludes the possible economic advantage of entering into more than one contract for these diverse services. It is unlikely that one contractor will have the necessary expertise to perform all three phases of this work effort. I believe that during the initial implementation of this program it is important to allow the Fire Marshal flexibility to obtain those services needed at the most favorable price for the State

Item 1730-001-001—For support of Franchise Tax Board I reduce this item from $120,264,000 to $118,638,000 by reducing:

(a) 100000—Personal Services from $90,964,000 to $89,608,000,

(b) 300000—Operating Expenses and Equipment from $32,342,000 to $32,072,000

I am reducing this item by $1,526,000 to eliminate 49 5 personnel years added to expand the Franchise Tax Board's audit program. The 1985–86 Budget Act provides an additional $2,288,000 and 38.3 personnel years to enforce the provisions of the "Tax Amnesty" bill (Chapter 1490, Statutes of 1984) I believe this augmentation increases the Board's enforcement capabilities sufficiently and that additional resources are not needed at this time.

I am also reducing this item by $100,000 to eliminate 4.2 personnel years added for the Board's Telephone Information Center. The Board currently maintains a staffing level of 132 personnel years at the center. This augmentation would increase the access level by only 1.6 percent An increase of this size appears unnecessary as there does not appear to be dissatisfaction with the current level of service

Item 1760-001-001—For support of Department of General Services I reduce this item from $8,185,000 to $7,900,000 and delete Provision 4.

This action conforms to the action taken in Item 1760-001-666 I am deleting Provision 4 since the funds for this study are eliminated in this item as well as the main support item.

"4. The Director of the Department of Finance shall assess affected agencies and departments included in the State Procurement Task Force study of statewide contracting and procurement procedures to cover costs. The Task Force shall review the RFP issued by the Department of General Services prior to its being made public and shall jointly determine the award of the Procurement/Contracting study contract with the Department"

Item 1760-001-397—For support of Department of General Services I eliminate Provision 1.

I am eliminating Provision 1 to correspond to the actions I have taken in eliminating Items 1840-001-666 and 1840-001-397.

Item 1760-001-666—For support of Department of General Services. I change this item by reducing

(a) 100000—Personal Services from $138,842,000 to $138,800,000,

(b) 300000—Operating expenses and equipment from $215,898,000 to $215,655,000, and

(e) Amount payable from the General Fund (Item 1760-001-001) from −$8,185,000 to −$7,900,000,

and by deleting·

Provisions 11 and 14

I am reducing this item by $285,000 and 72 7 personnel years to include the following reductions. I am reducing $110,000 and 1.2 personnel years for increased staff to develop building codes for historical buildings My action retains 1.2 personnel years and $110,000 to provide the necessary staff support for this program

I am also eliminating $175,000 to support a task force examining the Department's contracting-out and procurement procedures. The Department recently received a major consultant study of its procurement program. I am leaving an augmentation of $25,000 for a follow-up evaluation of the Department's implementation, as well as language authorizing the Director of Finance to augment the Department's budget to implement recommendations where benefits or service improvements exceed costs. It would appear that until this process is completed, another study would be of marginal utility.

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have provided janitorial services to the Franchise Tax Board, San Francisco, and Van Nuys State Office Buildings at a reduced cost was not accepted. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract out I am therefore eliminating the 71.5 personnel years added by the Legislature which would allow the traditional delivery of services and will use the related funds to contract these services. To correspond to this action, I am deleting Provision 11 which states:

"11. The Department of General Services shall not contract for janitorial services in State office buildings scheduled for occupation in 1985–86 in San Francisco and Sacramento, and the state office building in Van Nuys."

I am also deleting Provision 14.

"14. If SB 620 of the 1985–86 Regular Session is chaptered during the 1985–86 fiscal year, any unexpended funds appropriated in this item specifically for the support of the California State Police shall be transferred to Item 1840-001-666 upon the effective date of that bill."

This corresponds to the actions I have taken in eliminating Items 1840-001-666 and 1840-001-397.

I am approving $55,000 appropriated for a space needs assessment for the Legislature in order to complete a plan to meet the space needs of both the Legislature and the Executive Branch described in Item 0860-001-001.

Item 1760-101-036—For local assistance, Department of General Services. I eliminate this item.

I am eliminating this item because I am concerned about the seeming proliferation of appropriations related to museums and exhibitions that have been added to this Budget Bill. Projects of this type are complex and deserve adequate study and review to determine the State's proper level of participation in their development or operation I am willing to work with the Legislature in the development of a process to assure full consideration of the State's role in projects of this type.

Item 1760-301-036—For Capital Outlay, Department of General Services. I reduce this item from $3,925,000 to $3,303,000 by eliminating:

(14) 50.10.045—Sacramento-New State Building, Site 5 $622,000.

I am eliminating $622,000 for working drawings for the New State Building, Site 5. I believe it is inappropriate to construct another state facility containing general office space in downtown Sacramento when growth in the State's workforce has been halted and the Sacramento area has an apparent abundance of office space available for lease. The Department of General Services should evaluate these concerns in the context of programming future space needs for the State Library, one of the proposed tenants for Site 5.

Item 1840-001-397—For support of California State Police. I eliminate this item.

I am eliminating this item to correspond to the action I have taken in Item 1840-001-666

Item 1840-001-666—For support of California State Police. I eliminate this item.

This item was added to the budget bill to provide for the separation of the California State Police from the Department of General Services' budget should SB 630 be chaptered I am eliminating the item because adequate funding for the State Police

has been provided in Item 1760-001-666 and because I believe the State Police is appropriately located in the Department of General Services Support and overhead costs for the State Police would be increased by $889,000 if a separate department were created.

Item 1880-001-001—For support of State Personnel Board I reduce this item from $21,020,000 to $20,708,000 by reducing.

(a) 10—Merit System Administration from $20,609,000 to $20,352,000, and

(d) 50.01—Administrative Services from $3,978,000 to $3,923,000.

I am reducing this item by $312,000 and 14 4 personnel years The result of this action is to retain $1,059,000 and 36.6 personnel years of the legislative augmentation. Of this total, $262,000 and 10 personnel years permit a continuation of centralized examination administration by the Board for those examinations that are not delegated to departments The balance of this amount, or $797,000 and 26.6 personnel years, provides for an orderly phaseout of 32 positions In addition, the Department of Finance will authorize the Board to administratively establish up to 10 positions pursuant to interagency agreements in those instances where departments need additional assistance from the Board

Item 1900-001-830—For support of Public Employees' Retirement System I reduce this item from $30,917,000 to $30,447,000 by reducing

(a) 10—Retirement from $30,315,000 to $30,029,000,

(b) 20—Social Security from $691,000 to $690,000,

(c) 30—Health Benefits from $2,598,000 to $2,575,000,

(d) 40—PERS System Redesign Project from $1,023,000 to $1,016,000 and

(e) 50.01—Administration from $17,684,000 to $17,531,000

I am reducing this item by $470,000 and 20 4 personnel years leaving a legislative augmentation of $346,000 and 15.1 personnel years to achieve a salary savings level of 7.6 percent. This action retains full funding of staff benefits which, historically, have been underfunded, and brings budgeted salary savings into accord with actual salary savings over the past few years If salary savings for 1985–86 are lower than the budgeted rate, the Department of Finance will consider an appropriate adjustment to the PERS budget.

Item 1920-001-835—For support of State Teachers' Retirement System I reduce this item from $14,259,000 to $13,829,000 by reducing:

(a) 100000—Personal Services from $9,847,207 to $9,451,855, and

(b) 300000—Operating Expenses and Equipment from $4,878,793 to $4,844,145

I am reducing this item by $430,000 and 12.3 personnel years, with $172,000 and 3 8 personnel years of this total being reduced from the Investment Office In 1984–85 STRS added 10 positions to the Investment Office to provide civil service support to the 20 contract professional positions authorized for internal investments Since these 20 contract positions have not all been filled, consideration of further augmentations should be deferred The balance of this total, or 8 5 personnel years and $258,000, is reduced from the Public Inquiry Unit, leaving 15.7 personnel years This is an addition of 1 5 personnel years for 1985–86 to assist in staffing 6 additional toll-free lines This will provide an acceptable access level based on calls received since the lines became operational on January 1, 1985. Further adjustments will be considered after STRS has had more experience with these toll-free lines

Item 2100-001-001—For support of Department of Alcoholic Beverage Control I reduce this item from $16,687,000 to $16,341,000 by reducing.

(b) 10 20—Compliance from $6,294,000 to $5,948,000.

I am eliminating this augmentation of $346,000 and 10 9 personnel years because the Department of Alcoholic Beverage Control has submitted workload data which indicate that, when fully staffed at the authorized level, it will be possible to complete the investigative workload required by current statutes within the resources provided by this budget During 1984–85, the Department has experienced an unusually high vacancy rate in their special investigator positions as a result of unavoidable delays in the hiring process. I believe that the provision of any additional resources would be premature until they have an opportunity to fully utilize their existing positions.

Item 2200-001-001—For support of Department of Commerce I reduce this item from $17,100,000 to $16,198,000 by reducing

(b) 15—California Film Office from $522,000 to $405,000, and

(c) 30—Tourism from $6,696,000 to $5,911,000

I am reducing this item by $117,000 to eliminate the legislative augmentations for the California Film Office ($50,000) and the Motion Picture Council ($67,000) My budget provides funding for these agencies at the level set by Chapter 1639, Statutes of 1984, which established the California Film Office and transferred the Motion Picture Council to the Department of Commerce I am also deleting Provision 4 because it constitutes an infringement of executive authority

"4 Of the amount appropriated in category (b), no more than 60 percent shall be available for expenditure until the California Film Office has submitted a filmmaking marketing plan to the Motion Picture Council and the plan has been approved by the council "

I am also eliminating the legislative augmentation of $785,000 to provide planning funds for the establishment of a Hollywood Exposition I am concerned about the seeming proliferation of appropriations related to museums and exhibitions that have been added to this Budget Bill Projects of this type are complex and deserve adequate study and review of the State's proper level of participation in their development or operation I am willing to work with the Legislature in the development of a process to assure full consideration of the State's role in projects of this type

I am also deleting Provision 3 as a conforming action

"3 Of the amount appropriated in category (c) for support of the Office of Tourism, $785,000 shall be for allocation to a non-profit corporation for the purpose of implementing Phase II planning for the Hollywood Exposition. The nonprofit corporation to which these funds are allocated shall have as its primary purpose the planning, construction, and operation of a Hollywood Exposition, which would include exhibits dealing with the past, present, and future of the entertainment industry. Phase II planning shall include the establishment of a fundraising committee and the completion of architectural and exhibit design work, including detailed cost estimates and construction and exhibit development schedules "

Item 2200-101-922—For local assistance, Department of Commerce.

I am deleting Provision 2.

"2. Of the amount appropriated by this item, $500,000 shall be available for the purpose of making a loan to capitalize a bonding program for small business contractors. In the development of this program, the department shall utilize a surety company which has at least five years of experience in providing management, financial and technical assistance to minority contractors, at least five years of experience in bonding minority contractors, and at least 50 percent of its bonding portfolio with minority contractors "

This Provision would have required that $500,000 of the economic development grant and loan funds in this item be allocated to a specified surety company for the purpose of capitalizing a bonding program for small business contractors However, the funds available for this program are to be allocated on a competitive basis to those applicants whose projects can demonstrate the highest ratio of jobs created per dollar spent The surety company referenced by this augmentation will still be eligible to compete for available funds as part of the competitive allocation process and can be funded if their proposal has sufficient merit

Item 2240-001-001—For support of Department of Housing and Community Development. I change this item by reducing

(b) 20—Community Affairs Program from $11,763,000 to $11,713,000, and by eliminating

(p) Amount payable from the General Fund (Item 2240-011-001) —$50,000.

I am reducing the Community Affairs Program by $50,000 to correspond to my veto of Item 2240-011-001, which eliminated that item. These funds, intended for support of the Independent Living Housing Assistance Program (ILHAP), are unnecessary because ILHAP completed its authorized activities during 1984–85

Item 2240-011-001—For support of Department of Housing and Community Development. I eliminate this item.

I am eliminating this item of $50,000 because the Independent Living Housing Assistance Program completed its authorized activities during 1984–85. I have also eliminated a related $1,000,000 appropriation in Item 2240-107-001 for the same program While the objective of the program, to aid disabled individuals in moving from institutional to independent living situations, is commendable, it proved to be a complex program which was difficult to administer and use. California continues to provide substantial resources to serve the disabled through the Department of Developmental Services and the Department of Social Services. I remain open to future proposals for transitioning disabled persons to independent living through programs existing in those departments. This reduction also eliminates the amount payable from this item to Item 2240-001-001

Item 2240-011-648—For support of Department of Housing and Community Development. I eliminate this item

I am eliminating this item of $100,000 because similar studies have already been performed by CALTRANS and the California Highway Patrol. The results of these studies have concluded that it is unsafe to transport manufactured homes in excess of 12 feet in width on state highways unless accompanied by a pilot car There is no reason to believe the proposed study would provide new information or produce a different conclusion.

Item 2240-102-001—For local assistance, Department of Housing and Community Development I eliminate this item.

I am eliminating this item of $10,000,000 because a substantial augmentation to programs supporting rental housing construction already exists. In May of this year I signed Chapter 40, Statutes of 1985, which permits cities and counties to sell $1 5 billion annually in mortgage revenue bonds—an increase of $600 million over the prior authorization. This legislation provides Californians with a large increase in funds for affordable housing over the coming year.

Item 2240-103-001—For local assistance, Department of Housing and Community Development. I eliminate this item.

I am eliminating this item of $7,000,000 because a substantially larger housing rehabilitation effort funded by Federal Community Development Block Grants (CDBG) is currently available For federal fiscal year 1986, the President has proposed that approximately $270 million in CDBG funds be made available to California, at least $150 million of which will be used for housing rehabilitation The 1985–86 State Budget contains an increase of three positions for administration of the CDBG Small Cities Program. These funds, plus the additional funds available for rehabilitation through local mortgage revenue bond programs, more than compensate for the elimination of this proposed augmentation.

Item 2240-104-001—For local assistance, Department of Housing and Community Development. I eliminate this item.

I am eliminating this item of $5,000,000 because I have already increased the funding available for the Emergency Shelter Program during 1985–86 by $5,000,000. This amount is sufficient to provide 30 days of emergency housing for 46,000 of the State's 50,000–70,000 homeless, and is the amount recommended in the April 1985 *Study of the Issues and Characteristics of the Homeless Population in California.* Given this substantial commitment, and the fact that other private and federal funds have been directed towards helping the homeless, I believe that the $5 million I am approving in Item 2240-111-001 represents a major step towards addressing this problem for 1985–86

Item 2240-105-001—For local assistance, Department of Housing and Community Development. I eliminate this item.

I am eliminating this item of $2,000,000 because I have already increased the budget for the Residential Hotel Rehabilitation Program by $3,000,000 in Item 2240-111-001 This was the full amount recommended in the April 1985 *Study of the Issues and Characteristics of the Homeless Population in California.* In addition, at least $150

million in Federal Community Development Block Grants will be available for housing rehabilitation during federal fiscal year 1986.

Item 2240-106-001—For local assistance, Department of Housing and Community Development. I reduce this item from $5,000,000 to $1,500,000

I am reducing this item by $3,500,000 This program provides funds to be used to match the Farmers Home Administration Section 515 low interest loan program for rural rental housing. Typically, for each dollar of State funds provided, California receives $20 of Farmers Home Administration loans For federal fiscal year 1986, California will receive between $18 and $44 million through this program; therefore, I am approving $1,500,000, which will enable California to receive and make use of the available federal funds.

Item 2240-107-001—For local assistance, Department of Housing and Community Development I eliminate this item.

I am eliminating this item of $1,000,000 because the Independent Living Housing Assistance Program completed its authorized activities during 1984–85 I have also eliminated a related $50,000 appropriation in Item 2240-011-001 for the same program While the objective of the program, to aid disabled individuals in moving from institutional to independent living situations, is commendable, it proved to be a complex program which was difficult to administer and use California continues to provide substantial resources to serve the disabled through the Department of Developmental Services and the Department of Social Services I remain open to future proposals for transitioning disabled persons to independent living through programs existing in those departments

Item 2240-108-001—For local assistance, Department of Housing and Community Development I reduce this item from $5,000,000 to $2,000,000

The California Housing Advisory Service's loan program provides a unique opportunity for industrious Californians who are willing to help themselves by building their own homes. However, I am reducing this item by $3,000,000 because the original $3,000,000 appropriation for the program still remains to be spent. The loan component of this program was first provided through SB 2243 (Chapter 1690, Statutes of 1984) This is an attractive program to help people help themselves, but because it is a new program the department has not yet had sufficient time to evaluate its effectiveness. Therefore, a smaller augmentation than that proposed by the Legislature is reasonable at this time. The $2,000,000 which I am approving, coupled with the $3,000,000 still available, will provide a $5,000,000 program level for 1985–86.

Item 2240-109-001—For local assistance, Department of Housing and Community Development. I eliminate this item.

I am eliminating this item of $2,500,000 because the department has sufficient resources to proceed with these three migrant housing centers in Riverside, San Diego and Imperial Counties In 1984, I signed AB 2580 (Chapter 1689, Statutes of 1984) which authorized HCD to develop three centers at these locations by using existing departmental and federal funds The Riverside center is currently going forward on this basis and requires no additional state funds The San Diego and Imperial County centers are also being pursued on this basis, but are experiencing serious delays due to a lack of necessary matching funds or in-kind contributions at the local level, the lack of a local sponsor/administrator for each project, and the lack of identified sites upon which to construct the centers Even if this augmentation were made available, neither of these projects will have progressed enough to make appropriate use of the funds during 1985–86. I remain ready to reconsider augmentations for these projects in the future if the need for them can be clearly demonstrated.

Item 2290-001-217—For support of Department of Insurance I reduce this item from $21,975,000 to $21,675,000 by reducing:

(a) 10—Regulation of Insurance Companies and Insurance Producers from $21,010,000 to $20,710,000

I am reducing this item by $300,000 to eliminate the legislative augmentation for increased consumer services to the public. The budget provides $1 9 million to fund consumer-related activities in the Consumer Affairs Division of the Department of

Insurance The Department is currently reviewing its consumer services program and the results of that review will be available for consideration in the 1986–87 budget

I am also deleting the language in Provision 4 because the corresponding appropriation has been eliminated

"4. Of the funds appropriated in this item, $300,000 shall be available for the purposes of increasing consumer services to the public."

Item 2660-051-001—For transfer of $10,000,000 General Fund to the Transportation Planning and Development Account, State Transportation Fund. I eliminate this item

I believe it is inappropriate to use General Fund monies for transportation purposes since the Transportation Planning and Development Account and the State Highway Account were specifically established and funded from Transportation-related revenues for expenditure on transportation activities The total estimated amount remaining in the Transportation Planning and Development Account for expenditure in 1985–86 is $116 million which is sufficient to fund the highest priority mass transportation projects

Item 2660-101-042—For local assistance, Department of Transportation I reduce this item from $113,316,652 to $110,500,000 by reducing

(1) 20 30—Local Assistance from ($273,436,652) to ($264,299,000), and

(g) Amount payable from the Transportation Planning and Development Account, State Transportation Fund (Item 2660-101-046) from —$26,153,000 to —$19,832,000

I am reducing this item by $2,816,652 because it includes costs which are more appropriately shared with local governments I believe it is inappropriate to use state transportation funds to pay the entire cost for maintaining grade crossing warning devices The $1,000,000 which I am approving in this item is consistent with the requirements of the Public Utilities Code and the historical funding level for this activity

Item 2660-101-046—For local assistance, Department of Transportation I reduce this item from $26,153,000 to $19,832,000

I am eliminating this legislative augmentation of $6,321,000 for the Transit Capital Improvement Program because there are insufficient funds in the Transportation Planning and Development Account to finance the entire program, as approved by the California Transportation Commission However, if funds subsequently become available, and absent other funding needs, I will reconsider approving an augmentation to the Transit Capital Improvement Program

Item 2660-490—Reappropriation, Department of Transportation. I reduce this item by $2,500,000 by eliminating:

046—Transportation Planning and Development Account

(2) Item 2660-301-046, Budget Act of 1982 $2,500,000, and

deleting Provision 1.

I am eliminating $2,500,000 in the Transportation Planning and Development Account. Although I recognize that restoration of the San Francisco to Monterey rail route has merit, I cannot support this reappropriation due to the lack of funds in the account. Some of the objections that I raised last year regarding this project have been partially addressed, but I still have the following concerns·

1. Based upon current Transportation Planning and Development revenue estimates, there are insufficient funds to finance this project.
2. There is an existing process by which the California Transportation Commission reviews and approves projects for funding This project proposal should be submitted to the commission for their review and approval, rather than appropriating funds directly to the project
3. The cost to upgrade the required track, construct the necessary facilities and make the service viable would be approximately $12 5 million Therefore, the $2.5 million reappropriation would be insufficient and would commit California to a costly project for which sufficient funds may not be available

I am also deleting Provision 1 as a conforming action

Item 2700-001-044—For support of Office of Traffic Safety I change this item by reducing.

(a) Support from $7,896,000 to $7,796,000, and by eliminating

(b) Reimbursements —$100,000

I am reducing reimbursements by $100,000 for the purpose of studying the safety of transporting manufactured homes without the use of pilot cars. This reduction will conform to my action on Item 2240-011-648

Item 2720-001-044—For support of Department of the California Highway Patrol. I reduce this item from $389,442,500 to $389,126,500 by reducing

(a) 10—Traffic Management from $386,317,109 to $386,001,109

I am eliminating the legislative augmentation of $316,000 and 6.7 personnel years for continuation of the Los Angeles area helicopter unit. This helicopter is no longer essential to CHP operations because of increased CHP staff and improved traffic control and accident detection technology in the Los Angeles area Since 1969, this helicopter has been functioning primarily as an aerial observation platform. In addition, the Los Angeles area is currently being patrolled by 44 aircraft from various law enforcement agencies

Item 2740-001-044—For support of Department of Motor Vehicles I reduce this item from $197,458,490 to $197,415,740 by reducing

(b) Operating Expenses and Equipment from $88,446,490 to $88,403,740

I am eliminating the $42,750 legislative augmentation to provide the Department of Motor Vehicles with funding to enter into a pilot Teleguide System project The initial pilot proposal was intended to assist in implementing the new telephone appointment system. Since the Department has recently changed to an *optional* appointment system, this pilot project is unnecessary

Item 3110-101-001—For local assistance, Tahoe Regional Planning Agency. I delete the language contained in Provision 4

I am deleting Provision 4 which would transfer any unexpended balance of this appropriation to the Resources Agency in the event the Tahoe Regional Planning Agency is dissolved. My elimination of this language conforms to my veto of Item 3150-101-001.

"4. In the event the State of Nevada enacts a statute which would have the effect of dissolving the Tahoe Regional Planning Compact, as provided in Article 10 thereof, the unexpended portion of any funds appropriated by this item shall be transferred to the Resources Agency and made available for expenditure by the California Tahoe Regional Planning Agency, for the purpose of enforcing terms and conditions of all permits issued by the Tahoe Regional Planning Agency which are applicable to the California portion of the Lake Tahoe Basin "

Item 3150-101-001—For local assistance, Resources Agency I eliminate this item.

This appropriation was added to the budget to activate the California Tahoe Regional Planning Agency in the event the State of Nevada enacted legislation to withdraw from the bistate compact which provides the authority for the Tahoe Regional Planning Agency The Nevada Legislature has adjourned its biennial session without enacting such legislation and this contingency item is not necessary

Item 3340-001-001—For support of California Conservation Corps I reduce this item from $34,432,000 to $32,144,000 by reducing

(b) 10.20—Base and Fire Centers from $36,574,000 to $36,474,000,

(d) 10.40—Nonresidential Program from $4,069,524 to $2,000,000,

(e) 20.01—Administration from $3,944,476 to $3,826,000, and

deleting Provision 2, 3, and 5

I am reducing this item by $2,188,000 and 6 2 personnel years, to expand the neighborhood corps program Further expansion of this new program should be deferred until there has been sufficient time to evaluate the program's effectiveness and benefits.

I am also deleting the related Provisions 2 and 3 as follows

"2. Of the funds appropriated for this item, $2,000,000 shall be for expansion of the nonresidential program, with locations to be determined by the California Conservation Corps Priority shall be given to sites in Central and Southern California "

"3 Up to 6.5 personnel-years are authorized, if necessary to implement the $2,000,000 expansion of the nonresidential program (Chapter 3 5 (commencing

with Section 14400) of Division 12 of the Public Resources Code). The CCC shall contract for the $2,000,000 expansion, unless it determines that it is most effective to expand the nonresidential program utilizing its own staff In that event, up to 18 additional personnel-years shall be authorized, with the additional personnel-years to be funded from the $2,000,000 augmentation in Provision 2.

The CCC shall notify the Department of Finance, the Joint Legislative Budget Committee, and the Department of Personnel Administration of the number of personnel-years necessary to implement the nonresidential program expansion."

In addition, I am reducing the $100,000 General Fund legislative augmentation for construction of a Federal Sierra Forest Trail The CCC should be reimbursed from federal funds for projects undertaken by corpsmembers on federal lands If federal funds become available, a Section 28 letter will be submitted to the Legislature.

I am also deleting Provision 5 to conform to this action

"5 Of the funds appropriated in this item, $100,000 is available to the Corps for crew members to work along the trail in the Sierra and Sequoia Forests from Garlic Meadow Creek to the Little Tehipite Valley along the Middle Fork of the Kings River. This amount is available contingent upon the request, cooperation, and supervision of the project by the United States Forest Service "

Item 3400-001-001—For support of the Air Resources Board. I reduce this item from $6,211,000 to $5,311,000 by reducing:

(a) 100000—Personal Services from $25,486,000 to $24,986,000, and

(b) 300000—Operating Expenses and Equipment from $21,862,000 to $21,462,000.

I am eliminating an augmentation of $900,000 and 12 personnel years to monitor additional pesticides, referred by the Department of Food and Agriculture as potential toxic air contaminants My original budget contains an adequate level of resources to monitor pesticides referred by the Department. This action conforms to my action on Item 8570-001-001.

Item 3540-001-001—For support of the Department of Forestry. I reduce this item from $174,038,000 to $173,141,000 by reducing:

(b) 300000—Operating Expenses and Equipment from $85,843,045 to $84,946,045.

I am eliminating a General Fund augmentation of $897,000 for the department's cost of administering the Forest Practice Act program I am also eliminating related control language in Item 3540-001-928. This latter action will enable $897,000 from the Forest Resources Improvement Fund to continue to be used for Forest Practice Act administrative costs consistent with the policy established last year by the Legislature While this action does reduce funding for reforestation, the budget still provides over $4 million for this purpose

Item 3540-001-928—For support of the Department of Forestry

I am deleting Provision 1 of this item to conform to the action taken in Item 3540-001-001.

Item 3540-301-928—For Capital Outlay, Department of Forestry I eliminate this item.

I am eliminating this augmentation of $270,000 from the Forest Resources Improvement Fund and the related language because I believe this land acquisition for the Mountain Home Demonstration Forest would be more appropriately funded from the Special Account for Capital Outlay as proposed in my budget

Item 3600-001-140—For support of the Department of Fish and Game I reduce this item from $10,083,000 to $9,963,000.

I am reducing this item by $70,000 for a study on the mountain lion population This same study is being proposed in SB 76 Funding for the program should be contained in the bill I am also deleting Provision 1 relating to this study

"1 Of the amount appropriated in this item, an amount, not to exceed $70,000, shall be available for encumbrance by the department for the costs of preparing mountain lion management plans, as required by Section 4856 of the Fish and Game Code, as proposed by Senate Bill 76 of the 1985–86 Regular Session of the

Legislature. This provision shall become operative only if Senate Bill 76 is enacted If Senate Bill 76 is not enacted, $70,000 of the amount appropriated in this item shall revert to the unappropriated surplus in the California Environmental License Plate Fund "

I am approving $150,000 of a $200,000 augmentation for construction of a Suisun Marsh wildlife rehabilitation center and an interpretive center It is my understanding that construction of the interpretive center will not commence during the 1985–86 fiscal year Therefore, the $50,000 provided for this purpose has been eliminated

I am also deleting Provision 2

"2 Of the amount appropriated in this item, an amount, not less than $200,000, shall be available for encumbrance by the Department of Fish and Game for the Suisun Marsh Wildlife Rehabilitation Center."

These actions reduce the amount payable from this item to Item 3600-001-200

Item 3600-001-200—For support of the Department of Fish and Game I change this item by reducing

(b) 300000—Operating Expenses and Equipment from $44,255,000 to $44,135,000, and

(f) Amount payable from the California Environmental License Plate Fund from −$10,083,000 to −$9,963,000.

I am reducing $120,000 from the amount payable from the Environmental License Plate Fund to reflect the elimination of an augmentation of $70,000 to conduct a study on the population of the mountain lion and the elimination of an augmentation of $50,000 for construction of a Suisun Marsh interpretive center I am reducing these augmentations to correspond to the actions taken in Item 3600-001-140.

Item 3640-001-447—For support of the Wildlife Conservation Board I reduce this item from $556,000 to $496,000 by reducing

(a) 100000—Personal Services from $456,911 to $405,000, and

(b) 300000—Operating Expenses and Equipment from $99,089 to $91,000

I am reducing this item by the legislative augmentation of $60,000 and 1 9 personnel years because the 9.0 personnel years already authorized for this program are sufficient to meet workload requirements during 1985–86

Item 3680-101-516—For local assistance, Department of Boating and Waterways. I reduce this item from $25,382,000 to $23,632,000 by reducing:

(b) Loans Local Government from $18,650,000 to $16,900,000,

by *eliminating*·

(9.5) Pittsburg Marina Loan ($1,750,000).

I am reducing this item by $1,750,000 to eliminate the augmentation of a loan for the Pittsburg Marina project This project should be submitted for consideration during the normal budget process where a thorough analysis and evaluation of its merits can be achieved

Item 3720-001-001—For support of California Coastal Commission. I reduce this item from $6,253,000 to $5,781,000 by reducing

(a) 100000—Personal Services from $5,256,000 to $4,784,000,

(b) 300000—Operating Expenses and Equipment from $3,352,000 to $2,712,000, and

(e) Amount payable from the Federal Trust Fund from −$2,000,000 to −$1,360,000.

I am reducing this item by $472,000 and 13.5 personnel years by eliminating the Eureka district office and reducing the Santa Cruz district office. These reductions reflect the reduced workloads resulting from the completion and near completion of local coastal plans in these areas The remaining district offices are available to handle any workload generated in these two areas

Further, I am reducing this item by $640,000 from the amount payable from the Federal Trust Fund to correspond to my action in Item 3720-001-890.

Item 3720-001-890—For support of California Coastal Commission I reduce this item from $2,000,000 to $1,360,000.

I am reducing this item by $640,000 because the need for this funding has not been justified I am approving $1,360,000 in this item to provide 1) $594,000 for support of

the Coastal Commission, 2) $186,000 for support of the San Francisco Bay Conservation and Development Commission, and 3) $580,000 for the Coastal Conservancy for various coastal enhancement projects.

Item 3760-001-140—For support of State Coastal Conservancy I eliminate this item.

I am eliminating this item in the amount of $60,000 for the support of coastal access publications for handicapped individuals The California Coastal Commission currently publishes the California Coastal Access Guide, along with other publications. Information for all visitors should be incorporated in existing publications to avoid duplication. This eliminates the amount payable from this item to Item 3760-001-565

Item 3760-001-565—For support of State Coastal Conservancy I change this item by reducing

(a) 100000—Personal Services from $1,556,000 to $1,466,000,

(b) 300000—Operating Expenses and Equipment from $833,000 to $773,000, and

(g) Amount payable from the State Coastal Conservancy Fund of 1984 (Item 3760-001-730) from −$359,000 to −$269,000,

and by eliminating

(e) Amount payable from the California Environmental License Plate Fund (Item 3760-001-140) (−$60,000)

I am eliminating the $60,000 amount payable from the Environmental License Plate Fund for the support of coastal access publications for handicapped individuals to correspond to my action on Item 3760-001-140

I am also reducing $90,000 from the amount payable from the State Coastal Conservancy Fund of 1984 for the support of the Commercial Fishing Industry Project I am reducing this subitem to correspond to my action on Item 3760-001-730.

Item 3760-001-730—For support of State Coastal Conservancy. I reduce this item from $359,000 to $269,000, and delete the related language

I am reducing this item in the amount of $90,000 and two positions for support of the Commercial Fishing Industry Project The need for these positions has not been clearly established. This action reduces the amount payable from this item to Item 3760-001-565. The budget language is being eliminated to conform to this action

Item 3760-101-730—For local assistance, State Coastal Conservancy I reduce this item from $11,000,000 to $9,000,000

by eliminating·

(g) Eastbay Shoreline Project ($2,000,000)

I am reducing this item by $2,000,000 for the East Bay Shoreline Project There is insufficient information at this time to determine the merits of this project, relative to the merits of other projects which might also qualify for Coastal Conservancy funds. This project should be submitted during the normal budget process where it can be evaluated competitively with other proposals With this action, I am approving $9,000,000 in this item to provide 1) $6,000,000 for coastal and urban waterfront restoration; 2) $2,000,000 for public access, and, 3) $1,000,000 for agricultural land preservation

Item 3760-301-748—For Capital Outlay, State Coastal Conservancy I reduce this item from $1,500,000 to $500,000 by eliminating.

(a) 20 19 011—Sinkyone Wilderness—Acquisition $1,000,000

I am eliminating this project because it provides only one-seventh of the funding proposed for Sinkyone Wilderness in this Budget Bill, and the funds comprising the remainder of the $7,000,000 total appropriation are needed for higher priority projects. The Special Account for Capital Outlay (Item 3790-301-036(14.5), $4,000,000) is necessary for general capital outlay needs of the State The Parklands Fund of 1984 (Item 3790-301-722(36 1), $2,000,000) tentatively is allocated for projects that typically are closer to the state's urban centers and have the potential for serving more people.

Item 3790-001-001—For support of the Department of Parks and Recreation. I reduce this item from $72,020,295 to $71,977,000 by reducing·

(a) 100000—Personal Services from $82,842,269 to $82,806,269,

(b) 300000—Operating Expenses and Equipment from $38,760,026 to $38,752,731.

I am reducing this item by $43,295 to reflect the following actions.

I am eliminating 2 personnel years and $36,000 added to the Audits and Concessions Office because these personnel years were proposed for reduction in the Governor's Budget due to increased efficiencies The Department has indicated that these functions can be carried out adequately with existing staff.

I am eliminating the augmentation of $7,295 in operating expenses for the Scripps Beach lifeguard services because the Department has sufficient funds within operating expenses to meet these costs

I have taken the opportunity to review the Legislature's action on contracting-out proposals which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would allow the Department of Parks and Recreation to use the advanced technology and expertise of the private sector for ownership mapping services was not accepted In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out I am therefore eliminating the three personnel years added by the Legislature which would allow the traditional delivery of services and will use the related funds to contract these services

Item 3790-101-001—For local assistance, Department of Parks and Recreation I eliminate this item

I am eliminating this item by deleting appropriations for

(1) 80 80 026—City of Galt, softball fields $100,000,

(2) 80.80 059—City of Avenal, Rice Park $133,000, and

(3) 80.80 095 055—Riverside—Chinatown Archaeological project $29,500

I am also eliminating the budget control language relating to these projects as a conforming action

As a general principle I do not favor use of the General Fund for local park and recreation grants The Roberti-Z'berg-Harris Program, which is to commence in 1986–87, would be a more appropriate funding source for the projects in the Cities of Galt and Avenal if they were found to be competitive and otherwise met established criteria. The project for the County of Riverside can apply for funding through the California Park and Recreational Facilities Act of 1984 as a project of historic significance

Item 3790-101-036—For local assistance, Department of Parks and Recreation. I reduce this item from $4,250,000 to $2,000,000 by eliminating:

(2) City of Sunnyvale, Sunnyvale Bayland Park $1,500,000, and

(3) City of Los Angeles for the Japanese American National Museum Foundation, Japanese American Museum $750,000,

and by deleting provision 1

I am eliminating the augmentation of $1,500,000 for the City of Sunnyvale, Sunnyvale Bayland Park, because the Special Account for Capital Outlay generally is reserved for projects that provide significant benefit to the State. This project primarily provides a local benefit, and it should compete for funding from an established grant program such as the California Park and Recreational Facilities Act of 1984 or the Roberti-Z'berg-Harris program

I am eliminating the augmentation of $750,000 for the City of Los Angeles for the Japanese-American National Museum Foundation, Japanese-American Museum, because I am concerned about the seeming proliferation of appropriations related to museums and exhibitions that have been added to this Budget Bill. Projects of this type are complex and deserve adequate study and review of the State's proper level of participation in their development or operation I am willing to work with the Legislature in the development of a process to assure full consideration of the State's role in projects of this type. I am also eliminating Provision 1 as a conforming action.

Item 3790-101-140—For local assistance, Department of Parks and Recreation I reduce this item from $3,164,500 to $2,100,000

by eliminating:

(2) City of Downey, Olympic Pool Recreational Complex $500,000,

(3) City of Ripon, Mavis Stouffer Park $128,500,

(4) Pixie Woods Board of Directors, Pixie Woods Children's Park $80,000,
(5) County of San Joaquin, Oak Grove Regional Park, picnic shelter $44,000,
(6) County of San Joaquin, Micke Grove Park $58,000, and
(9) City of San Ramon, Vista San Ramon Community Park $254,000.

I am eliminating $1,064,500 for these six local assistance projects because they would be more appropriately funded from a source such as the Roberti-Z'berg-Harris Program in 1986–87 if they were found to be competitive and otherwise met established criteria. Projects such as these generally fail to meet the funding criteria that have been established for the Environmental License Plate Fund.

Item 3790-101-190—For local assistance, Department of Parks and Recreation. I eliminate this item.

I am eliminating this item by deleting appropriations for
(1) City of Desert Hot Springs, Wardman Park $20,000,
(2) Lake Elsinore Recreation and Park District, Butterfield Park $150,000,
(3) Southgate Recreation and Park District, Resource-efficient prototype park $166,000, and
(4) City of Coachella, Bagdouma Regional Park—tennis courts $150,000.

Because these projects essentially benefit local areas, this proposed funding source is not appropriate. The Roberti-Z'berg-Harris Program, which is to commence in 1986–87, would be a more appropriate funding source for these projects if they were found to be competitive and otherwise met established criteria.

Item 3790-101-722—For local assistance, Department of Parks and Recreation. I reduce this item from $61,953,000 to $61,208,000, by reducing.
(a) from $28,403,000 to $28,273,000,
(b) from $5,265,000 to $4,950,000, and
(d) from $4,300,000 to $4,000,000
by eliminating:
(a) (130.1) City of Brawley, Hinojosa Park $70,000,
(a) (130.2) City of Brawley, Meserve Park $60,000,
(b) (22.1) County of San Joaquin, Durham Ferry $315,000, and
(d) (33.1) County of San Diego, Temple Beth Israel $300,000.

I am eliminating the two local assistance grants amounting to $130,000 for the City of Brawley because these projects failed to compete favorably in the 1985–86 regional competitive bond fund allocation process under the California Park and Recreational Facilities Act of 1984. Two other projects in Brawley, however, were funded. Similarly, the $315,000 project for San Joaquin County is being eliminated because it did not receive sufficient ranking in the competitive bond fund allocation process I am deleting $300,000 for Temple Beth Israel in San Diego because the Department of Parks and Recreation already has allocated $300,000 for the project during 1984–85 from the Roberti-Z'berg component of the California Park and Recreational Facilities Act of 1984.

Item 3790-301-036—For Capital Outlay, Department of Parks and Recreation. I reduce this item from $19,095,000 to $12,715,000 by reducing:
(12.5) 90.99 100—San Luis Reservoir SRA—Family Campground and Day Use Area—facility development from $1,500,000 to $120,000,
and by eliminating:
(2.5) 90.H6 100—Cuyamaca Rancho SP—Development $1,000,000, and
(14.5) 90.3P.400—Sinkyone Wilderness SP—acquisition $4,000,000.
The effect of my action is a net reduction of $6,380,000 in this item.

I am reducing the augmentation of $1,500,000 for the San Luis Reservoir SRA development to $120,000 to provide funding for preliminary plans and working drawings only. I recognize the need for additional development at this facility; however, without a well-defined scope of the proposed development, it is premature to fund the full project at this time.

I am eliminating the augmentation of $1,000,000 for the Cuyamaca Rancho SP development because it is premature to propose any new development prior to completion of the general plan for this park unit.

I am eliminating the augmentation of $4,000,000 for Sinkyone Wilderness SP acquisition because higher priority capital outlay needs exist for the Special Account for Capital Outlay. I also note that this appropriation is coupled with funding from the Parklands Fund of 1984 (Item 3790-301-722(36.1)), and that fund has been recommended for use on higher priority projects closer to the State's population centers.

Item 3790-301-722—For capital outlay, Department of Parks and Recreation I reduce this item from $54,010,000 to $45,810,000 by reducing:

(36.4) 90.CS.400—South Monterey Bay Dunes ARCO Bosland property acquisition from $1,200,000 to $1,000,000

and by eliminating

(4.1) 90.EC.400 000—Baldwin Hills SRA—Acquisition ($3,000,000),

(12.2) 90.9E 400.851—Delta Meadows Project—Acquisition ($500,000),

(15.3) 90 7P.100—Half Moon Bay SB—campground development $2,500,000, and

(36.1) 90.3P 400.851—Sinkyone Wilderness SP—Acquisition $2,000,000

The effect of my action is a net reduction of $8,200,000 in this item.

I am reducing the augmentation of $1,200,000 for South Monterey Bay Dunes-ARCO Bosland property acquisition to $1,000,000 because the State's last appraisal of this property does not indicate a need for this additional amount.

I am eliminating the augmentation of $3,000,000 for the Baldwin Hills SRA-Acquisition because I have approved an augmentation of $3,500,000 in this budget for development at Baldwin Hills which I consider to be a more appropriate use of funds.

I am eliminating the augmentation of $500,000 for the Delta Meadows Project-Acquisition This acquisition should be deferred until there is resolution of issues which will result from the reduction in scope of the existing acquisition project at Delta Meadows caused by the high cost of a stipulated judgment pertaining to Southern Pacific right-of-way

I am eliminating the augmentation of $2,500,000 for the Half Moon Bay SB-campground development because this project, while meritorious, is quite costly, and this fund has limited reserves that will be needed to meet other pressing recreational needs.

I am eliminating the augmentation of $2,000,000 for the Sinkyone Wilderness SP-Acquisition because this fund source has limited reserves and has been recommended for higher priority projects closer to the State's population centers.

Item 3790-490—Reappropriation, Department of Parks and Recreation

I am approving the reappropriation of Item 3790-301-722(25), Budget Act of 1984, as proposed in Item 3790-490, Category 722(4.5), Seccombe Lake SURA, in an amount not to exceed $1 million. I am reserving the remaining $2,176,000 of the appropriation and would support legislation to reappropriate this balance for development at Seccombe Lake, provided that all operational responsibilities and costs for this facility are reassumed by the City of San Bernardino or another nonstate agency.

Item 3810-301-036—For Capital Outlay, Santa Monica Mountains Conservancy I reduce this item from $8,474,000 to $2,475,000 by reducing:

(1) 20.10.015—Appraisals, project planning and design from $40,000 to $25,000,

and by eliminating

(4) 20.10.115—Lower Zuma Canyon—Acquisition $5,984,000,

and deleting Provisions 4 and 5.

The effect of my action is a net reduction of $5,999,000 in this item I am eliminating the augmentation of $5,984,000 for the acquisition of Lower Zuma Canyon and deleting the related appraisal, planning, and design costs of $15,000 This acquisition would constitute a multi-year loan to the National Park Service from the Special Account for Capital Outlay and that fund is needed for higher priority projects.

I am also deleting Provisions 4 and 5 to conform with this action.

"4. Notwithstanding any other provision of law, if the National Park Service has not, within four years from date of acquisition, reimbursed the appraised market value of the property acquired in category (4), pursuant to Section 33204 of the Public Resources Code, the property shall be sold for fair market value by the

Department of General Services, pursuant to Section 33205 of the Public Resources Code. Notwithstanding Section 11011 of the Government Code and Section 33205 of the Public Resources Code, the net proceeds from any property sold, or any reimbursement made, pursuant to this provision shall be deposited in the Special Account for Capital Outlay."

"5. No funds may be encumbered for acquisition pursuant to category (4) unless the Executive Director of the Conservancy certifies to the State Public Works Board that adequate assurances have been received from the Department of the Interior that reimbursement will be made within the time specified in Provision 4."

Item 3860-001-001—For support of Department of Water Resources I reduce this item from $30,357,000 to $28,057,000 by reducing

(a) 10—Continuing Formulation of the California Water Plan from $17,333,000 to $15,033,000.

I am reducing this $4,450,000 legislative augmentation by $2,300,000, for selenium-related projects and deleting Provision 2.

"2. Of the amount appropriated in this item, $1,500,000 shall be to establish, pursuant to an interagency agreement with an appropriate state educational institution, a comprehensive service laboratory for analysis of water, soil, and air systems associated with agriculture in order to implement AB 791 of the 1985–86 Regular Session. $2,500,000 shall be for a study to operate, under controlled conditions, a water delivery system in the Grassland Water District in order to minimize the impacts on water quality in the San Joaquin River and on groundwater supplies and the habitat in the District. $450,000 shall be to purchase water from the federal Central Valley Project to provide water as part of a study to improve water quality in the San Joaquin River."

This $2,150,000 funding augmentation for the Department of Water Resources is in addition to $2,270,000 included for the State Water Resources Control Board and $651,000 for the University of California, for a total program of $5,071,000. I believe this $5,071,000 program represents a comprehensive state response to the selenium problem in California.

I am directing the Department of Water Resources to use the $2,150,000 as follows: $1,100,000 to improve the water delivery system in the Grassland Water District, $450,000 to contract with the University of California for lab analyses of trace elements, $400,000 to upgrade the Department of Water Resources' chemistry laboratory at Bryte, $120,000 to investigate desalting technologies, and $80,000 to augment the Agricultural Drainage Monitoring Program The Department of Finance will submit a Section 28 notification letter to the Legislature prior to the expenditure of $1,050,000 in funding redirected from the comprehensive service laboratory to some of the above-mentioned activities.

Item 3860-101-001—For local assistance, Department of Water Resources I reduce this item from $19,800,000 to $19,500,000 by reducing

(b) Delta Levee Subventions from $2,000,000 to $1,700,000

I am reducing this item by the $300,000 legislative augmentation to the Delta Levee Subventions program. While I have been supportive of additional funding for delta levees as part of an overall, comprehensive water management program, I believe the remaining $1,700,000 local assistance budget is adequate to maintain the Sacramento-San Joaquin Delta levees This amount conforms to the State's standard for maintenance of the delta levees under current law

Item 3860-101-140—For local assistance, Department of Water Resources. I eliminate this item

I am eliminating $100,000 added by the Legislature for a waste water reclamation project for the Monterey Peninsula Water Management District, as well as control language in Provision 1 regarding the project. The project would use water hyacinths to treat waste water. I believe that more information is needed on the benefits of the project to the State before State funds are budgeted for this purpose.

Item 3940-001-001—For support of the State Water Resources Control Board. I reduce this item from $36,833,000 to $27,975,000 by reducing·

(a) 10—Water Quality from $52,012,000 to $41,947,000,

(i) Amount Payable from the Surface Impoundment Assessment Account, General Fund (Item 3940-001-482) from —$2,729,000 to —$2,095,000, and

(1) Amount Payable from the General Fund (Item 3940-011-001) from —$153,000 to —$80,000, and

by eliminating.

(ff) Amount Payable from the California Environmental License Plate Fund (Item 3940-001-140) —$500,000,

revising Provisions 1 and 2,

and deleting Provisions 3 and 4.

I am reducing this item by $8,858,000 to reflect the following actions:

The elimination of an augmentation of $300,000 and 6 personnel years for additional enforcement staff. Increases of $1,349,000 and 23.7 personnel years have already been provided in the budget which bring the total resources for enforcement activities to $2,815,000 and 60 7 personnel years.

The elimination of an augmentation of $7,600,000 and 167 personnel years for an expanded underground tank cleanup program I am maintaining this program at the level of $3,771,000 and 60.8 personnel years which I proposed in January This approach relies on local agency oversight over all but the most major of the anticipated cleanup efforts The approach taken by the Legislature in this augmentation would have the State, rather than local government, oversee all cleanup This type of major policy change should be addressed through specific legislation and not the Budget Bill.

The reduction of $129,000 from an augmentation of $2,399,000 and 9 3 personnel years to study selenium and other trace elements throughout the State The Board has provided a detailed workplan requiring only $2,270,000 to perform these studies. I am also revising Provision 2 which requires $700,000 be used to study the San Francisco Bay because sufficient Federal and State resources will be dedicated for this purpose However, the Department of Finance will submit a Section 28 request to the Legislature prior to expenditure of those funds redirected from the San Francisco Bay study

The elimination of an augmentation of $106,000 and 1 personnel year for a management system to track the progress of the cleanup of groundwater contamination sites. This augmentation was to provide contingency funding for a portion of a pilot program negotiated by the Board with the Environmental Protection Agency. I will address the potential Federal grant through the normal process.

The reduction of $423,000 and 8 5 personnel years from an augmentation of $765,000 and 17 personnel years to provide additional resources for the updating and issuance of waste discharge orders The remaining resources, $342,000 and 8 5 personnel years, represent the increase to this regulatory program as recommended by the legislative task force on toxics contamination This will provide a total of $4,742,000 and 80 3 personnel years for this effort

The elimination of an augmentation of $100,000 and 1 9 personnel years to prepare a management strategy to minimize the spread of groundwater contamination through active and abandoned wells I am eliminating this augmentation because the Board already has over 600 personnel years in the budget to address priority water quality problems

The elimination of an augmentation of $200,000 and 3 8 personnel years to provide for additional regional Board public participation and public information Regional Boards were formed to allow the public access to the water quality and water rights decision making process and, as such, there should be no need for additional staff for public participation In addition, regional board management should already be actively providing public information and should not require additional staff for this purpose

The elimination of an augmentation of $500,000 from the amount payable from the Environmental License Plate Fund to provide funding to study the toxicity of the New River This international problem should be addressed in separate legislation such as

AB 1012, which concerns both the Tijuana and New River problems However, AB 1012 in its current form has serious shortfalls in that it relies entirely on state financial support and no form of support from either the Federal Government or the Government of Mexico The State cannot control or stop the pollution of the New River because it occurs on the Mexican side of the border. I am reducing this subitem to correspond to Item 3940-001-140

The reduction of $634,000 and 15.8 personnel years from an augmentation of $834,000 and 19.8 personnel years from the amount payable from the Surface Impoundment Assessment Account, General Fund for staff for the toxic pits program The budget already includes $222,000 and 6 5 administrative and supervisory positions added for the toxic pits program In addition, the base budget includes a total of over 100 clerical positions. This should be a sufficient amount of administrative, clerical, and supervisory positions for the program. However, I agree with the Legislature that 48 technical positions should be available December 1, 1985 as opposed to the original plan of having these positions available January 1, 1986 I am reducing this subitem to correspond to Item 3940-001-482

The reduction of $73 000 and 2 personnel years which the Legislature specified for enforcement and other activities at the Lahontan Regional Water Quality Control Board. Additional Staff are unnecessary because this work is currently being performed even though the positions have been vacant for some time (The budget proposed elimination of these positions but the Legislature reestablished them)

I am revising Provisions 1 and 2 to conform to the above actions as follows

"1 ~~$14,054,000~~ *$4,062,000* of the amount appropriated for category (a) Water Quality shall be used to add staff and for associated resources according to the following schedule

~~(a) Underground tanks cleanup oversight (167 personnel years) 7,600,000~~

(b) Selenium studies (9 3 personnel years) ~~2,399,000~~ *2,270,000*

(c) Investigation and enforcement related to contaminated drinking water wells (18 0 personnel years) 1,000,000

(d) Update waste discharge orders (~~17 0~~ *8 5* personnel years) ~~765,000~~ *342,000*

~~(e) Enforcement (6.0 personnel years) 300,000~~

(f) Toxic Pits regulation (~~19 8~~ *4.0* personnel-years) ~~834,000~~ *200,000*

~~(g) Pilot computerized tracking system (1 0 personnel/year) 106,000~~

~~(h) Abandoned wells (1 9 personnel/years) 100,000~~

~~(i) Public participation (3 8 personnel/years) 200,000~~

(j) Russian River Monitoring (1.0 personnel-year) 250,000

~~(k) New River monitoring 500,000~~"

"2 Of the amount appropriated for category (a) Water Quality for selenium and trace element studies, ~~$2,399,000~~ *$2,270,000* shall be for a statewide survey of 12 elements, including selenium, to determine their effects on the environment and the public health, to specify necessary protective actions, and to expand laboratory capacity to meet ongoing needs ~~Of the $2,399,000, $700,000 shall be used to study the San Francisco Bay~~"

I am deleting Provisions 3 and 4 to conform with the above actions as follows

~~"3 $100,000 of the amount appropriated for category (a) Water Quality to the San Francisco Bay Area Water Quality Control Board for a public participation program shall be reduced by any federal funds received by that regional board for the same purpose."~~

~~"4 Of the amount appropriated by this item, 35 personnel years and $1,750,000 shall be allocated to the San Francisco Bay Area Regional Water Quality Control Board and 25 personnel years and $1,250,000 shall be allocated to the Los Angeles Regional Water Quality Control Board for work related to leaking underground tanks. At least 10 personnel years allocated to the Los Angeles Regional Water Quality Control Board shall be assigned to activities in the San Gabriel Valley. Any allocation that is different from that described by this provision shall require prior notification to the legislature."~~

Item 3940-001-140—For support of the State Water Resources Control Board I eliminate this item.

I am eliminating this item in the amount of $500,000 to conform to my action on Item 3940-001-001 This eliminates the amount payable from this item to Item 3940-001-001

Item 3940-001-482—For support of the State Water Resources Control Board I reduce this item from $2,729,000 to $2,095,000

I am reducing this item by $634,000 and 15 8 personnel years to conform to my action on Item 3940-001-001 This eliminates the amount payable from this item to Item 3940-001-001

Item 3940-011-001—For support of the State Water Resources Control Board. I reduce this item from $153,000 to $80,000 and delete the related control language

I am reducing this item by $73,000 and 2 personnel years to conform to my action on Item 3940-001-001 This eliminates the amount payable from this item to Item 3940-001-001

In line with my actions on this item, I am deleting Provision 2.

"2 The State Water Resources Control Board shall use not less than $73,000 of these funds to reinstate 2 0 personnel years for enforcement and other activities in the Lake Tahoe Basin provided by Lahontan Regional Water Quality Control Board "

Item 3940-101-144—For local assistance, State Water Resources Control Board. I eliminate this item.

I am eliminating this item in the amount of $7,500,000 for the Tijuana River cleanup because this is an international problem that requires an international solution. The United States Government must take a lead in resolving this problem by securing the cooperation of the Mexican Government Although the 1984–85 budget included $5,500,000 for the Tijuana River, the funds were specifically designated to be used to match federal funds Recent problems in the negotiations with the Mexican Government, however, have diminished the possibility of future federal funding In addition, AB 1012, which addresses both the Tijuana River and the New River problems, already includes the funding proposed by this augmentation

Item 4120-101-001—For local assistance, Emergency Medical Services Authority I reduce this item from $783,840 to $753,840

I am reducing this item by $30,000 to eliminate an augmentation to support the training of one technician for the Northern California Local Emergency Medical Services (EMS) Agency. The augmentation would not have contributed to program compliance or development My action will provide a total of $2.4 million in local assistance funding ($753,840 in General Funds and $1,685,000 in federal funds) to support local EMS agencies

Item 4140-001-001—For support of The Office of Statewide Health Planning and Development I change this item by changing the following category amounts.

(a) 100000—Personal Services from $8,742,539 to $8,614,630,

(b) 300000—Operating Expenses and Equipment from $8,848,744 to $8,825,370,

(d) Reimbursements from −$5,199,283 to −$5,048,000, and

deleting Provision 1.

The Legislature provided the Office $151,283 in increased expenditure authority from reimbursements and 3 7 personnel years effective January 1, 1986, to ensure that the Office has adequate staff resources to meet the public liaison, technical assistance and research analysis functions pursuant to Chapter 1326, Statutes of 1984. This statute provides for the transfer of the health facility data collection and reporting functions from the California Health Facilities Commission to the Office effective January 1, 1986 I am reducing reimbursements by $151,283 and the 3 7 personnel years because the public liaison functions currently perfoi med by the commission will be provided by the Office's public information office The technical assistance for data collection and reporting requests will be handled by the Office's data processing staff of 16 personnel years and $1,063,821 Chapter 1326, Statutes of 1984 limits the scope of the reporting data, thereby reducing the workload of the research and analysis staff I am confident that these tasks, as well as the ongoing statutory requirements for the consolidation, will be met without restoring these positions

I am also deleting Provision 1 to conform with this action

Item 4140-101-001—For local assistance, Office of Statewide Health Planning and Development for Health Professions Development (Family Physician Training) I reduce this item from $3,000,000 to $2,880,000

I am reducing this item by the $120,000 added by the Legislature to provide a 4 percent cost-of-living adjustment for the Family Physician Training Program Cost-of-living adjustments are generally allocated to programs where funds or medical services are directly provided to the program participants This program does not provide direct funds or services Therefore, it is inappropriate to base the program level on a formula which has no apparent relationship to need

Item 4170-101-001—For local assistance, Department of Aging I reduce this item from $22,327,000 to $19,458,000 by reducing

(a) 10—Nutrition from $61,239,000 to $59,859,000,

(1) 10 10—Congregate Nutrition from $46,209,000 to $45,025,000,

(2) 10 20—Home Delivered Nutrition from $15,030,000 to $14,834,000,

(c) 30—Supportive Services and Centers from $27,046,000 to $26,061,000,

(d) 40—Special Projects from $5,824,000 to $5,320,000,

and deleting Provision 3

I am reducing $1,380,000 from Nutrition, $985,000 from Supportive Services and Centers, and $4,000 from Special Projects because I do not believe that the General Fund should provide a discretionary cost-of-living increase for the federally funded portion of these programs However, I have retained $538,000 to provide a 4 percent cost-of-living increase to the General Fund portion of the Nutrition and Supportive Services and Centers programs

I am reducing $500,000 from the $1,000,000 legislative augmentation for the expansion of the Linkages Program. Although, I believe that the 10 Linkages Projects initially funded in the Budget would provide sufficient data to evaluate this program, I am retaining $500,000 to fund two or three additional sites in Southern California in order to achieve an equitable geographical distribution of sites.

I am also eliminating Provision 3 related to this augmentation because the appeal process provided for in the language would limit the department's ability to reconsider all of the unfunded proposals in order to select the highest quality projects that would address the issue of geographical equity

"3 (a) Applicants not selected, and who appealed the director's decisions on the initial 10 sites, shall have the right to appeal the director's decision to the Department of General Services If the department finds in favor of an applicant, the department shall fund that project from funds appropriated in this item

(b) If funds are available after the appeal process is completed, the department shall establish, by January 1, additional linkages sites for a maximum of 15 linkages sites around the state These sites shall be selected from either the list submitted to the director by the Long Term Care Committee or from the top 10 projects ranked by the department staff. In making these selections the director shall give priority to projects that (a) provide a balanced geographic and demographic distribution of the 15 linkages sites, and (b) serve a large population of minority and poor elderly in their community

Sites not selected shall be able to appeal the director's decision to the Department of General Services "

Item 4200-001-001—For support of Department of Alcohol and Drug Programs. I reduce this item from $6,900,000 to $6,882,000 by reducing:

(a) 10—Alcohol Programs from $4,716,000 to $4,698,000

I am reducing the augmentation of $18,000 for the department to increase operating expenses for the Alcohol Recovery Facility Licensing activity The department operating expense budget is $2.4 million. There is no evidence that it cannot produce cost efficiencies within this amount so as not to impact the level of services provided.

Item 4200-101-001—For local assistance, Department of Alcohol and Drug programs. I reduce this item from $82,732,000 to $71,722,000 by reducing.

(a) 10—Alcohol Program from $54,765,000 to $49,287,000,

(b) 20—Drug Program from $62,378,000 to $56,846,000, and

deleting Provisions 3 and 4

I am reducing this item by the $11,010,000 augmentation that was provided as the initial step in funding all counties at a specific standard The different per capita allocations of Alcohol and Drug funds to the various counties are the result of years of individual programmatic decisions and allocations made for these activities by the county, state and federal governments Given the fact that these differences were based upon meeting specific needs in specific areas it is not appropriate to now argue that all counties should have an equalized amount of funds Since the present distribution was based upon specific needs, any increase in this program should be made in the same manner

I am deleting Provisions 3 and 4 to conform to this action

"3 $5,478,000 of the amount scheduled in Item 4200-101-001 shall be allocated to those county alcohol programs with state and federal per capita allocations less than the statewide average, so that no county's per capita allocation is less than $1 74 "

"4 $5,532,000 of the amount schedule in Item 4200-101-001 shall be allocated to those county drug programs with state and federal per capita allocations less than the statewide average, so that no county's per capita allocation, based on the Touche-Ross 50-30-10-10 formula is less than $1 94 The department shall also make additional allocations, to assure that no county's per capital allocation is less than $1.94 "

Item 4200-101-890—For local assistance, Department of Alcohol and Drug Programs I am deleting Provisions 3 and 4 to conform to my veto of the funding augmentation in Item 4200-101-001.

"3 $502,000 of the amount scheduled in Item 4200-101-890 shall be allocated to those county alcohol programs with state and federal per capita allocations less than the statewide average, so that no county's per capita allocation is less than $1 74 "

"4 $372,000 of the amount scheduled in Item 4200-101-890 shall be allocated to those county drug programs with state and federal per capita allocations less than the statewide average, so that no county's per capita allocations less than the statewide average, so that no county's per capita allocation, based on the Touche-Ross 50-30-10-10 formula, is less than $1.94. The department shall also make additional allocations, to assure that no county's per capita allocation is less than $1.94."

Item 4260-001-001—For support of Department of Health Services I reduce this item from $123,142,486 to $111, 945,050 by reducing:

(a) 100000—Personal Services from $146,762,225 to $143,719,427,

(b) 300000—Operating Expenses and Equipment from $124,437,428 to $115,040,412,

(d) Reimbursements from −$8,843,799 to −$8,729,000,

(e) Amount payable from the Hazardous Waste Control Account, General Fund (Item 4260-001-014) from −$17,180,903 to −$16,364,485,

(g) Amount payable from the Genetic Disease Testing Fund (Item 4260-001-203) from −$17,024,195 to −$16,964,921, and

(k) Amount payable from the Federal Trust Fund (Item 4260-001-890) from −$86,653,034 to −$86,401,147, and

deleting Provisions 5, 20, 21, 23, 26, 29, 30, 31, 32, 33, 36, 38, 45, 46, 47, 48, 49, 56, 58, 59 and 66 and revising Provisions 35 and 39

I am deleting Provisions 20 and 21, added by the Legislature, which would restrict expenditure of appropriated funds for development of drinking water standards.

"20. The department shall develop, at a minimum, three primary drinking water standards (maximum contaminant levels) during the 1985–86 fiscal year from among the following organic chemicals trichloroethylene (TCE), 1,1,1-trichloroethane (TCA), perchloroethylene (PCE), ethylene dibromide (EDB) and dibromochloropropane (DBCP) and develop five action levels (health advisories), as appropriate.

In developing maximum contaminant levels the department shall, in cases of scientific ambiguity, use the criteria most protective of public health and incorporate the following considerations:

(a) The existence of groups or individuals in the population which are more susceptible to adverse effects than the normal healthy adult

(b) The exposure of contaminants in media other than drinking water (including exposures in food, in the ambient air, and in occupational settings) and the resulting body burden of contaminants

(c) Possible synergistic effects resulting from exposure to, or interaction by two or more contaminants.

(d) The contaminants exposure and body burden levels which alter physiological function or structure in a manner reasonably suspected of increasing the risk of illness.

The department shall not award any contract for the development of maximum contaminant levels until such time as conflict of interest guidelines have been developed

Not more than $1,400,000 shall be spent on the development of primary drinking water standards, which shall be based on the state statutes in effect on July 1, 1985."

"21. Of the amount appropriated by this item $2,600,000 shall not be available for expenditure until such time as legislation has been chaptered the provisions of which

(a) Immediately establish interim public health drinking water standards for at least 30 organic chemicals; and

(b) Set forth specific public health criteria for the development of maximum contaminant levels."

The language requires enactment of legislation providing interim health standards and specifying public health criteria for maximum contaminant levels The provisions constitute undue restrictions upon Executive authority and I believe it is unconstitutional to appropriate funds conditional on future legislative action.

I am eliminating a legislative augmentation of $450,000 to develop a pilot study of treatment and management strategies for improving water quality affected by organic chemicals I have already included $4,000,000 in the budget for the development of drinking water standards As part of the development process for these standards, each contaminant will be reviewed through a technical and economic feasibility study which will focus on the available treatment technology. I am also deleting Provision 23 to conform with this action

"23. Of the amount appropriated by this item, $450,000 shall be used to conduct a special pilot study on treatment technologies and management strategies for improving water quality affected by organic chemicals and trihalomethanes provided that:

(a) $25,000 shall be available immediately, contingent upon the availability of an equal amount from private sector companies in Santa Clara County, to review available literature regarding drinking water treatment technologies and develop an appropriate work plan to evaluate these technologies, and

(b) An additional amount of $425,000 shall be available for execution of the work plan, contingent upon the availability of matching funds of $150,000 from the Santa Clara Valley Water District and an additional $275,000 from private sector companies in Santa Clara County "

I am deleting Provision 5, added by the Legislature, which would require a report within thirty days after a month in which the salary savings exceeds 9.5 percent

"5. The Department of Health Services shall submit a report within 30 days of the end of each month to the chairperson of the fiscal committee of each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee if, in any given month, the department's salary savings rate exceeds 9.5 percent. The first report shall be due September 30 and shall cover the July and August pay periods The report shall identify the reason for the excess savings and the steps the department plans to take to ensure that budgeted positions are filled."

It was the intent of this language to report shifts of salary savings in excess of 1 percent of the amount budgeted. The effect of my actions upon this budget raised the budgeted salary savings level to 9.3 percent If this language remains operative, given the small difference between the budgeted level and reporting threshold of 0.2 percent, the department would have to report monthly. This clearly was not the intent of the Legislature and my actions on dollar issues has essentially made this language inoperable. However, I am directing the Director of Finance to furnish the Legislature with periodic reports on statewide salary savings.

I am eliminating a legislative augmentation of $1,291,406 to restore specified unallocated reductions My budget included unallocated reductions for all state departments with varying amounts dependent upon the amount of General Fund in each department's budget These reductions were intended as a means to maximize existing program efficiencies to provide resources for new programs. The department has consistently identified General Fund savings of at least $2,000,000 during the last three years and, therefore, can meet this reduction.

I am eliminating a legislative augmentation of $1,430,591 in this item, $186,282 from other funding sources, and 38.6 personnel years which provide for the restoration of funds and positions associated with a reorganization of the Preventive Health Services Division because the department can continue the program without these resources. I am committed to reducing the size of the bureaucracy, particularly when it can be done through a realignment of resources which maintain current services. The department has provided evidence that the remaining $36,603,822 and 1,328.3 positions will provide sufficient resources so as not to adversely affect program performance I am also deleting Provision 26 to conform with this action.

"26. The Department of Health Services is prohibited from implementing a preventive health services reorganization proposal until 30 days after it provides a report to the Legislature which:
(a) Meets the requirements of the law regarding the Rural Health Division
(b) Details position changes associated with the proposal, absent any other department proposals, and provides specific justification for any position increases or decreases
(c) Describes the need for and benefits of the reorganization "

I am eliminating a legislative augmentation of $225,439 in this item, $272,096 in subsidiary items and 11 5 personnel years which reinstate funding and positions associated with the department's identification of non-critical administrative staff. I directed each department and agency to review its complement of administrative staff and eliminate those positions which were not integral to the delivery of public services. I believe that we must do everything possible to eliminate and not perpetuate unnecessary bureaucracy.

I am reducing this item by $362,000 because I question the benefits to be derived from expanding the cancer registry to 27 counties at this time I believe it would be imprudent to expand the registry program to a level that is beyond the recommendation of a recent report to the Legislature prepared by the department on this subject. The report concluded that an eleven county expansion is adequate to meet the objectives of the program. I have proposed to include an additional $1,238,000 and 1.8 personnel years over the current level of state funding ($538,000) to expand the program to eleven new counties. This increase offers an adequate sample and I believe further expansion would be premature. I am also deleting Provision 29 to conform with this action.

"29 The department shall implement cancer registries in the following counties: Amador, El Dorado, Fresno, Kern, Kings, Lassen, Madera, Merced, Monterey, Sacramento, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Ventura, and Yolo Any funds not used to implement the cancer registry shall revert to the General Fund The department shall maintain data that identify the actual cost of implementing a cancer registry. Funds appropriated for the purpose of implementing a cancer registry shall be used only for that purpose."

I am eliminating the $365,000 legislative augmentation and 6.9 personnel years to conduct risk assessments of water contamination resulting from underground tank leaks. The department's role regarding the contamination of water is to assure that the quality of drinking water is safe for consumption. The 1985-86 Governor's Budget proposes a $6.4 million expenditure program for the department to ensure that drinking water is safe Specific augmentations are proposed to develop and adopt maximum contaminant levels for thirty water contaminants within three years In addition, the department will establish action levels for any new contaminants discovered. I believe it is more effective to focus our efforts on assessing the water supplies themselves rather than to investigate one among the many possible sources I am also deleting Provision 30 to conform with this action.

"30. Of the amount appropriated by this item, $365,000 should be used to assist the 9 regional water quality control boards in cleaning up contamination from leaking underground storage tanks The department shall provide expert advice and assistance to the state regional water boards on matters relating to the health effects of toxic substances in water supplies and the cleanup on contamination or pollution from leaking underground tanks and other sources. Such advice and assistance shall include, but not be limited to

(a) Assistance in developing procedures and protocols for assessing risks resulting from leaking underground tanks.

(b) Preparation of toxicological risk assessments

(c) Expert testimony

(d) Assistance in preparing public information and educational materials"

I am reducing this item by $2,323,000 added by the Legislature to expand the Birth Defects Monitoring Program to 25 counties This will continue the current level of funding of $467,000 and 8 positions for five counties Future expansion will be considered subsequent to a progress report to be submitted by the department on the project in the Fall of 1985 It would be premature to augment this item for this program until the progress report has been reviewed. I am also deleting Provision 31 to conform with this action.

"31 Of the amount appropriated by this item, the sum of $2,323,000 shall be allocated without regard to fiscal years, for the purpose of implementing Division 9.5 (commencing with Section 10800) of the Health and Safety Code as follows:

(a) To expand the Birth Defects Monitoring Program by contracting with the Counties of Fresno, Sacramento, Orange, Merced, Monterey, Santa Cruz, Solano, Yolo, Yuba, Sutter, Nevada, Amador, Calaveras, Stanislaus, Placer, Tuolumne, Colusa, Humboldt, San Joaquin, and Del Norte 2,016,000

(b) To purchase new computer and computer-related equipment and services for the Birth Defects Monitoring Program ..... 307,000"

I am reducing this item by the $500,000 and 5 9 personnel years added by the Legislature for the department to establish an Occupational Health and Disease Prevention Program. Primary responsibility for investigating concerns about health and disease associated with the workplace has been given to the Department of Industrial Relations through its Occupational Safety and Health Administration program. This legislative augmentation would bifurcate the State's efforts to ensure worker health and safety and result in a less effective use of resources I am also deleting Provision 32 and 33 to conform to this action

"32. The Department of Health Services shall establish an Occupational Health and Disease Prevention Program The program shall be directed toward

(a) Establishing an effective occupational disease surveillance program and developing baseline data to be used by epidemiological and occupational health researchers and the Department of Industrial Relations.

(b) Providing technical assistance to local health agencies and other state agencies regarding occupational health issues.

(c) Providing specialized training and technical assistance to local health agencies and other state agencies regarding occupational health issues."

"33. The department shall establish 6 positions and allocate $500,000 from this item for the following activities.
(a) Assessing and evaluating deficiencies in existing surveillance mechanisms including but not limited to physicians First Reports of Occupational Illness, employers First Reports of Occupational Illness, ongoing death certificate studies, and the Northern California Tumor Registry
(b) Working with other state and local agencies to improve the utility and validity of existing data bases for surveillance of occupational exposures, morbidity and mortality.
(c) Working with other programs within the Department of Health Services to generate data pertinent to the study of occupational morbidity and mortality. Such programs shall include but not be limited to the Birth Defects Monitoring Program, Resource for Cancer Epidemiology, and the Center for Health Statistics
(d) Establishing with local health agencies, private health practitioners, and the Northern and Southern California Occupational Health Centers, pilot surveillance systems for occupational disease.
(e) Providing medical, statistical, and epidemiological assistance to counties to investigate and evaluate occupational health problems.
(f) Establishing a health hazard evaluation program to which county and other state agencies may refer matters for investigation
(g) Providing epidemiological consultation to Cal/OSHA "

I am revising Provision 35, the control language added to schedule the legislative augmentation for AIDS-related activities. These changes are necessary to conform to my actions on these individual augmentations The specific changes are as follows·

"35. Of the funds augmented to this item ~~$6,335,000~~ *$3,012,000* shall be allocated ~~as follows·~~
~~(a) $85,000 to develop informational educational materials on AIDS.~~
~~(b) $1,500,000 to train crisis center staff on AIDS treatment and the ELISA test.~~
~~(c) $150,000 for an evaluation of educational materials developed.~~
~~(d) $100,000 to support an office of AIDS ombudsman within the department, the ombudsman shall be appointed by the director.~~
~~(e) $250,000 to educate home health agency and attendant care workers.~~
~~(f) $4,250,000~~ for information and education grants "

I am reducing this item by $85,000 added by the Legislature to develop educational materials related to the AIDS antibody blood test AB 488 (Chapter 23, Statutes of 1985), already appropriates $275,000 for education materials related to the blood test There are many unknowns about the potential costs related to the AIDS antibody test This is primarily due to the fact that the test was only approved on March 2, 1985 and has not been available long enough to determine an average sample of the number of people who will take the test. I believe that the funds appropriated in AB 488 should be expended prior to adding additional funds. I am also deleting Provision 36 to conform with this action.

"36 $360,000 of the funds appropriated by this item shall be used to develop the following:
(a) Audio and video materials for a media campaign that informs the general public that (1) the ELISA test does not diagnose AIDS and (2) it is safe to give blood.
(b) Written and video materials for individuals considering use of the ELISA test which clarify that the ELISA test is not a diagnostic test
(c) Written and video materials providing health professionals with basic information concerning the test and its potential psychological effects."

I am reducing this item by $1,500,000 added by the Legislature to train crisis center staff to treat and provide short-term counseling to AIDS test patients. AB 488 appropriates $5 million for the department to administer the AIDS antibody blood test program. These funds are used in part to provide information and referral services to AIDS test patients. Other than medical information that should be provided by the

patient's physician, this is a mental health issue, not one of public health There are currently mental health programs in place to address these needs. The mental health budget proposes a $40 million block grant program which could be used for AIDS-related mental health needs. I am also deleting Provision 38 to conform with this action.

"38. The department shall adhere to the following requirements when spending the $1,500,000 augmentation for mental health needs arising from the HTLV-III Anti-bodies test.
(a) The funds shall be spent on (1) training staff in crisis centers on the treatment of AIDS patients or (2) short-term counseling, not to exceed five visits per individual, for individuals who have taken the ELISA test and need additional counseling.
(b) The department shall develop the request for proposals in conjunction with the Department of Mental Health.
(c) Funds shall be allocated through the competitive bid process established by Chapter 1257 of the Statutes of 1983.
(d) The department shall include in the request for proposals, language that authorizes grantees to accept donations from those receiving services."

The Legislature augmented this item by $4,250,000 to meet the increased need for AIDS-related information and education projects. Given the tremendous increase in public concern and misconceptions about AIDS, it is evident an adequate amount of state resources are needed to increase public information about this disease. My original budget included $1,238,000 for this activity and, therefore, I am reducing this augmentation by this $1,238,000. This additional $3,012,000 will allow the full $4,250,000 to be available to meet the cost of the projects in this area. I am also deleting this portion of Provision 39 requiring the department to make the educational materials available in other languages as needed.

"39. The department shall ensure that ~~(a) educational materials on AIDS are made available in languages other than English, as needed, and that (b)~~ agencies receiving information and education funds coordinate their plans to avoid duplication of effort."

The language is nebulous in that the term "as needed" does not provide sufficient specificity to permit the program to be reasonable. I believe this provision could prove extremely expensive for a very limited benefit.

I am reducing this item by $100,000 added by the Legislature to establish the Office of the AIDS Ombudsman. The department's reorganization plan, effective July 1, 1985, establishes an AIDS unit and I believe that staff in this unit could assume the ombudsman functions without additional funds.

I am reducing this item by $927,000 added by the Legislature to provide state funds for hypertension control activities. The $1.8 million program which I proposed provides a reasonable level of support for the department to contract with ten Regional Hypertension Control Areas which serve the ethnic populations, the professions, and the geographical areas for which this augmentation was proposed Also, this program has been 100 percent federally funded since it was established in 1976 and I see no reason to now expand it with General Funds I am also deleting Provisions 45 through 47 and Provision 66 to conform with this action.

"45. The department shall ensure that Hypertension Control areas, shall subcontract with the Asian Pacific Islander Task Force, the East Los Angeles Task Force, and the Martin Luther King-Drew Medical Center for no less than $60,000 each "

"46 Of the amount appropriated by this item, $747,000 shall be used to fund hypertension control services for identified hypertensive patients of target ethnic groups in Los Angeles, the San Francisco Bay Area, Fresno, and San Diego."

"47 The department shall periodically evaluate the hypertension control services provided to determine their effectiveness in assisting patients to maintain preferred treatment regimes."

"66 Of the amounts appropriated for hypertension control projects, $180,000 shall be used to conduct a study on stress and hypertension among bus drivers."

I am reducing this item by $150,000 added by the Legislature to evaluate information and education contracts for AIDS The budget proposes seven new positions for surveillance and monitoring of information and education contracts I believe that these positions are sufficient to perform the evaluations that are proposed I am also deleting Provision 48 to conform with this action

"48 The department shall issue contracts to evaluate the effectiveness of the AIDS information and education materials produced by its contractors and shall submit a written evaluation to all appropriate parties "

I am reducing this item by $250,000 added by the Legislature to provide an educational program for hospital and home health care personnel The Federal Center for Disease Control has published AIDS guidelines for health professionals, and the Department of Health Services has sent this information to local health facilities as a reference when treating AIDS patients. Therefore, I question the benefit to be derived from this augmentation. I am also deleting Provision 49 to conform with this action

"49 The department shall spend $250,000 on education of hospital, home health agency and attendance care workers In expending the funds, the department

(a) Shall ensure that educational materials shall be developed in languages other than English

(b) Shall allocate funds through the competitive process established by Chapter 1257 of the Statutes of 1983

(c) Shall ensure that local agencies allocated funds coordinate plans to avoid duplication of effort "

I am deleting Provision 59 which directs the Department to propose regulations by June 30, 1986 to restrict specified wastes from land

"59 The Department of Health Services shall complete a study which identifies types or categories of hazardous wastes which should not be placed in or onto the land due to the toxicity, persistence, mobility or bioaccumlative properties of the waste The department shall propose regulations by June 30, 1986, to restrict these wastes from land disposal "

I believe such a short timeframe is unrealistic and will not allow the department to develop workable regulations The United States Congress has adopted a five-year timetable for study and banning specified wastes from landfill I am in agreement with the five-year timetable as I believe it is more realistic.

I am vetoing the legislative augmentation of 4 5 personnel years and $250,000 from the Hazardous Waste Control Account for the Abandoned Hazardous Waste Site Assessment Program The Legislature directed the department to survey rural, unsurveyed counties to detect abandoned hazardous waste sites The department has completed an Abandoned Site Project and is now doing extensive follow-up which is federally funded. Since they have already surveyed all counties that would have potentially had an abandoned site, which included rural counties, it would not be an effective use of funds to survey the remaining rural counties. I am also deleting Provision 56, which would have specified the procedures the department was to follow in implementing the Abandoned Site Assessment Program

"56. In 1985–86, the department shall survey rural, unsurveyed counties to detect sites that pose a potential threat to the public health and the environment The following procedures shall be used in surveying counties to detect potential hazardous waste sites (a) review history of hazardous materials and waste generation in the county, (b) review available information from county/local agencies and the Regional Water Quality Control Boards, and (c) conduct initial assessments for all potential sites identified "

I am eliminating the $34,000 added by the Legislature from federal funds to restore a position to the California Medical Assistance Commission which is partially funded from the Medicaid Program through this item The position is one of 8 that negotiates contracts with hospitals serving Medi-Cal beneficiaries Past workload and vacancy experience do not indicate a need for this position This action is consistent with the action in Item 4270-001-001.

I am also reducing this amount payable item by $205,678 to eliminate funding for non-critical administrative positions identified by the department I am further reducing this amount payable item by $12,209 to recognize program efficiencies also identified by the department These actions are consistent with actions taken on Item 4260-001-890.

I am reducing the amount payable item from Item 4260-001-014 by $250,000 added by the Legislature for the Abandoned Hazardous Waste Site Assessment Program I am also eliminating $66,418 added by the Legislature for non-critical administrative positions identified by the department I am further reducing $500,000 added by the Legislature for classroom training of county employees I do not believe that classroom training is the most effective use of funds I believe that the internship method which I proposed at a level of $841,000, and which the Legislature appropriated at $341,000, is a more effective way to provide county staff with the necessary training I am also deleting Provision 58, which would have specified the precedures for the department to follow in contracting out for the classroom training These actions are consistent with my action on Item 4260-001-014

"58 The sum of $500,000 is appropriated to the Department of Health Services to fund a contract for purposes of training local health department personnel in the management and control of hazardous waste The contractor shall conduct training sessions in locations throughout the state. The training sessions shall include, but not be limited to, the following

(a) Statutes and regulations dealing with hazardous waste emphasizing recent changes in federal and state statutes and regulations
(b) Inspection of hazardous waste storage facilities Training to include procedures for working with law enforcement agencies and collection and presentation of evidence in legal proceedings.
(c) Personnel protection and safety.
(d) Manifest requirements for hazardous waste generators, transporters and storers.
(e) Department of Transportation Title 49 requirements
(f) Emergency response to hazardous waste spills
(g) Hazardous waste treatment technology.
(h) Remedial action, site cleanup and mitigation.

The contractor shall have demonstrated abilities in the following areas:

(a) Curriculum development and provision of training in the public health aspects of hazardous waste management.
(b) Development of needs assessments and program evaluation instruments as such instruments relate to local public health agencies
(c) Experience in provision of training to local public health agency personnel
(d) Capabilities to recruit expert consultants in the field of hazardous waste management including individuals with expertise in the delivery of local programs
(e) Detailed knowledge of the delivery of local public health services.
(f) Detailed knowledge of local hazardous waste management programs."

I am reducing this amount payable item from Item 4260-001-203 by $59,274 to recognize program efficiencies identified by the department This action is consistent with my action on Item 4260-001-203

Finally, for many years we have been addressing the problems resulting from the dumping of toxic wastes at the Stringfellow disposal site in Riverside County This is recognized as one of the top priority toxic waste problems in the United States and it will be many years before the combined efforts of the state and federal governments will result in fully correcting this problem

In the meantime it is incumbent upon us to do all we can to protect the currently clean groundwater in the area from exposure to the potential of spreading contaminants in this underground source. Therefore, I am reserving and will be requesting the Legislature to appropriate $25,000,000 (approximately $15,000,000 for capital costs from the Special Account for Capital Outlay and $10,000,000 for ongoing operating costs from the General Fund) for the expansion of the current extraction,

treatment and disposal of the contaminated portion of the groundwater, to expand our efforts to minimize the generation of newly contaminated groundwater, and where necessary assist in the provision of alternate sources of drinking water supply to those people dependent upon this groundwater.

Item 4260-001-014—For support of Department of Health Services. I reduce this item from $17,180,903 to $16,364,485

I am reducing this item by $250,000 which was added by the Legislature for the Abandoned Hazardous Waste Site Assessment Program. I am further reducing this item by $500,000 added by the Legislature for classroom training of county employees. I am also eliminating $66,418 added by the Legislature for non-critical administrative positions identified by the department. These actions are consistent with my action on Item 4260-001-001.

Item 4260-001-203—For support of Department of Health Services. I reduce this item from $17,024,195 to $16,964,921.

I am reducing this item by $59,274 to recognize program efficiencies identified by the department. This is consistent with my action on Item 4260-001-001.

Item 4260-001-890—For support of Department of Health Services. I reduce this item from $86,818,034 to $86,401,147.

I am eliminating the $34,000 added by the Legislature to restore a position in the California Medical Assistance Commission which is partially funded by the Medi-Cal Program through this item. I am reducing this item to correspond to Items 4260-001-001 and 4270-001-001.

I am reducing this item by $205,678 to eliminate funding for noncritical administrative positions identified by the department. This conforms to my action on Item 4260-001-001.

I am also reducing this item by $12,209 to recognize program efficiencies identified by the department. This also conforms to my action on Item 4260-001-001.

Finally, I am reducing this item by $165,000 as a technical correction to conform to Item 4260-001-001, Schedule (k).

Item 4260-101-001—For local assistance, Department of Health Services. I reduce this item from $2,177,287,000 to $2,160,457,000 by reducing:

(a) 50.10—Eligibility (County Administration) from $127,332,000 to $121,532,000,

(b) 50.11—Benefits (Medical Care and Services) from $4,351,565,000 to $4,332,435,000, and

(e) Amount Payable from the Federal Trust Fund (Item 4260-101-890) from −$2,307,166,000 to −$2,299,066,000, deleting Provisions 12, 13 and 22, and revising Provisions 24.

I am deleting Provision 12.

"12. For the purpose of determining rates paid during 1985–86 to prepaid health plans (PHP), the Department of Health Services shall use the method used in calculating 1984–85 PHP rates. Subject to the availability of full federal financial participation, rates for PHPs with Medi-Cal contracts in effect as of June 30, 1985, shall be no lower than the lesser of rates paid during 1984–85 or PHP costs as projected for the 1985–86 rate period (including the costs of administration) as these costs have been customarily calculated by the department.

In light of recent information indicating the Prepaid Health Plans may be more costly than the Medi-Cal fee-for-service system, the Speaker of the Assembly, the Chairman of the Senate Rules Committee, and the Governor shall each appoint two members to an advisory group which shall oversee a study to be conducted by the Department of Health Services to determine the relative cost efficiencies of Prepaid Health Plans and the fee-for-service system in delivering Medi-Cal services and the causes of such efficiencies. The study shall be completed and submitted to the Legislature by April 1, 1986.

The Department of Health Services shall submit a report to the Legislature by April 1, 1986, comparing services under Medi-Cal in the fee-for-service (FFS) and prepaid health plan (PHP) systems and the way in which the use of services has changed in the past six fiscal years. The report shall at least the following:

(a) Comparisons of various services' utilization rates over time in the two systems controlling for appropriate factors (such as age or sex)
(b) Comparisons of changes in various services' utilization rates over time in the two systems controlling for appropriate factors
(c) Changes in PHP enrollment and the factors contributing to those changes
(d) Changes in the conditions being treated under the FFS and PHP systems."

I believe the prepaid health plan rate-setting methodology should be determined annually on an actuarily sound basis. This language guarantees existing prepaid health plans rates for Fiscal Year 1985–86 that are no lower than the rates paid during Fiscal Year 1984–85 or prepaid health plan costs as projected for the 1985–86 rate period By doing so, this language compromises the Administration's rate development process and may result in prepaid health plan rates that exceed 100 percent of Medi-Cal fee-for-service costs If this language were to take affect, it would constitute an appropriation because it would provide prepaid health plans more funds than current law would provide. In addition, guaranteeing prepaid health plan rates eliminates the "at-risk" concept which is a fundamental principle in a capitated health delivery system.

I am eliminating the $5,800,000 legislative augmentation which would allow counties to be retroactively exempt from fiscal sanctions, under certain circumstances, if their denial rate for Medi-Cal applications exceeds the rate established in Chapter 1594, Statutes of 1982 (SB 2012). I recognize the need to update the base year for excess denial rates We will be working with the Legislature to craft a bill which would update the base year to 1983–84 for Medi-Cal applications processed in Fiscal Year 1984–85 forward. This approach will appropriately address this issue by funding excess denials prospectively Also, I am deleting the language relative to the funds appropriated as contained in Provision 13 in this item

"13 Due to Medi-Cal eligibility changes caused by legislative mandate, the Legislature has determined that these eligibility changes have caused a significant increase in the number of nonapproved Medi-Cal applications. The Legislature therefore makes a finding of special circumstances for all counties whose nonapproval ratios have increased beyond the base year level due to these circumstance and, notwithstanding any other provision of law, provides in this item, (a) 50.10-Eligibility (County Administration), $5.8 million for Medi-Cal eligibility determination costs in the 1982–83 fiscal year and the 1983–84 fiscal year which have not been reimbursed to counties because of the base year limitation In order to obtain these reimbursements, counties shall apply for these funds and the State Department of Health Services shall certify there is sufficient evidence that counties are not including eligibility determination costs for the medically indigent services (MIA) program in their Medi-Cal administrative costs

The Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committee of each house, 30 days prior to expenditure of the funds on its finding of the existence of special circumstances and the amount to be withheld from each county Any funds withheld shall revert to the General Fund. The State Department of Health Services shall report to the chairperson of the fiscal committee of each house and to the Chairperson of the Joint Legislative Budget Committee by March 15, 1986, regarding the feasibility of continuing the excess denial rate withhold policy established by Chapter 1594, Statutes of 1982."

I am eliminating the $2,930,000 legislative augmentation to continue the Medi-Cal maintenance need level of $742 which is $142 higher than the $600 level permitted under federal ruling. Chapter 323, Statutes of 1983 (AB 223-Trailer Bill) established a maintenance need for adult couples which is higher than the normal two person maintenance need level. Existing law also contains provisions that allow for this higher level if federal financial participation is provided under Title XIX of the Federal Social Security Act. The Federal Department of Health and Human Services has ruled that the maintenance need levels for two adults is not permissible. The $2,930,000 legislative augmentation sets an undesirable precedent by requiring the State General

Fund to pay for higher maintenance need levels than those for which the federal government will provide 50 percent funding. This becomes more important as the federal government attempts to limit the growth of health care costs. However, I am instructing the Department of Health Services to work with the Legislature to continue to explore alternatives regarding this issue.

I am also deleting Provision 22 relative to the funds appropriated for this purpose.

"22. Notwithstanding subdivision (a) of Section 14005.12 and Section 11003 of the Welfare and Institutions Code, it is the intent of the Legislature that maintenance need levels for a family of two adults be set at levels prescribed by subdivision (c) of Section 14005.12, even if Federal financial participation is only available for those families at a lower maintenance need level. However, if the U.S. Department of Health and Human Services issues a final ruling that would result in loss of federal financial participation for more than the added cost of a higher maintenance need level for two-adult families, then the maintenance need level for these families shall be set at the maximum allowed under federal law."

I am reducing by $7,500,000 the $10,000,000 legislative augmentation to be used by the California Medical Assistance Commission in negotiating contracts with hospitals serving a disproportionate share of Medi-Cal or other low-income patients. While I recognize that hospitals serving a disproportionate number of low-income patients do not have the same flexibility in recovering costs as do other hospitals, I do not believe in the concept of addressing such deficiencies through an automatic increase in Medi-Cal rates. However, I am leaving $2,500,000 in the budget to ensure that disproportionate provider hospitals are fully compensated for their costs of providing care to Medi-Cal beneficiaries.

I am also revising the following language in Provision 24, relative to this augmentation consistent with my action:

"24. In allocating the ~~$10~~ *$2.5* million appropriated in this item and ~~$10~~ *$2.5* million in Item 4260-101-890 for disproportionate providers, the California Medical Assistance Commission shall take into consideration the $15 million augmentation for operating subsidies to the University of California teaching hospitals in Item 6440-001-001."

I am eliminating the $600,000 legislative augmentation to include all FDA approved nonsteroidal anti-inflamatory drugs in the Medi-Cal Formulary which were approved for inclusion or addition by the Medical Therapeutic and Drug Advisory Committee at their December 7, 1984 meeting I do not believe there will be any additional costs once these drugs are included in the Medi-Cal Drug Formulary. However, I am retaining the control language added by the Legislature, Provision 20, which requires that the drugs be added within 60 days of the effective date of this bill. While I do not believe we should circumvent the current administrative process for adding drugs to the Formulary, I recognize this process is a lengthy one. The excessive time it has taken, and is still projected to take to add these drugs, would prolong the time the beneficial uses of these drugs would be denied to Medi-Cal patients.

I am also directing the Department of Health Services to take the necessary steps, including working with the Legislature, to simplify the statutory process to develop a more expeditious process for adding and deleting drugs to its formulary

Item 4260-101-890—For local assistance, Department of Health Services I reduce this item from $2,307,166,000 to $2,299,066,000.

I am reducing by $7,500,000 the $10,000,000 legislative augmentation to be used by the California Medical Assistance Commission in negotiating Medi-Cal contracts with hospitals serving a disproportionate number of low income patients. This conforms with my action in Item 4260-101-001

I am eliminating the $600,000 legislative augmentation to include all FDA approved nonsteroidal anti-inflamatory drugs in the Medi-Cal Formulary which were approved for inclusion or addition by the Medical Therapeutic and Drug Advisory Committee at their December 7, 1984 meeting. This conforms with my action in Item 4260-101-001.

Item 4260-106-001—For cost-of-living increases, Department of Health Services. I reduce this item from $80,458,001 to $69,863,001 by reducing:

(b) 50.11—Benefits (Medical care and services) from $159,911,002 to $138,717,002, and

(c) Amount Payable from Federal Trust Fund from −$81,587,001 to −$70,988,001. and revising Provision 2.

I am reducing the $800,000 legislative augmentation by $372,000 to provide rate increases for Home Health Agencies under the Medi-Cal Program. The reduced level will permit a 28 percent increase over existing rates and would reflect the median service costs based on audited 1983 cost reports. This is consistent with the recommendations of the Department of Health Services I believe this 28 percent increase will eliminate much of the inequity and allow the Department time to re-evaluate rates for any necessary adjustments.

I am also revising Provision 2 as follows:

"Except as provided in Provision 25 of Item 4260-101-001, ~~$19,411,001~~ *$19,039,001* from the General Fund in this item, together with ~~$19,393,001~~ *$19,019,001* in federal funds appropriated in Item 4260-106-890, is intended for purposes of permitting the restoration of rate decreases effected by Sections 77, 78 and 79 of Chapter 1594, Statutes of 1982, except for those portions restored pursuant to Section 66 of Chapter 268, Statutes of 1984."

I am reducing this item by $10,223,000 to eliminate a 4 percent discretionary cost-of-living adjustment for the following Medi-Cal providers Physicians, chiropractors, psychologists, podiatrists, hospital outpatient services, clinical laboratories, hearing aid dispensing, surgical clinics, acupuncturists, portable x-rays, outpatient clinics (pathology) and dentists While these providers received a 10 percent (clinical laboratories 25 percent) reduction pursuant to Chapter 328, Statutes of 1982, rates have been restored to their pre-1982 levels and beyond through increases in 1984–85 and the final 1985–86 budget The increase remaining in this budget for these providers is $18.6 million. I believe the existing rates are adequate in view of the low inflation rate in recent years and the continued availability of all medically necessary services.

Item 4260-106-890—For cost-of-living increases, Department of Health Services I reduce this item from $80,787,001 to $70,988,001.

I am reducing the $800,000 legislative augmentation by $374,000 to provide rate increases for Home Health Agencies under the Medi-Cal Program. This item provides payables to its main Item 4260-106-001 and conforms to my action in that item

I am reducing this item by $10,225,000 to eliminate a 4 percent discretionary cost-of-living adjustment for certain Medi-Cal providers. This action is consistent with action in Item 4260-106-001.

I am adjusting the net reduction in this item by $800,000 to compensate for a technical error in the Budget Act.

Item 4260-111-001—For local assistance, Department of Health Services. I reduce this item from $1,066,641,334 to $1,051,472,334 by reducing.

(b) 11—Health Protection from $6,827,000 to $5,327,000,

(c) 20—Community Health Services from $109,136,334 to $103,635,334,

(d) 25—County Health Services from $942,473,000 to $934,365,000,

(e) 40—Rural Health Services from $8,205,000 to $8,145,000, and

delete Provisions 3(b) and 7.

I am reducing this item by $60,000 added by the Legislature to require the department to develop a proposal for the Farmworker Health Insurance Program to be considered during the 1986–87 budget process. I proposed $2,052,000 for the Farmworker Health Insurance Program based on a lengthy proposal prepared by the "Center For Strategic Health Planning," and, therefore, I do not believe an appropriation of $60,000 in contract funds to develop another proposal for this program is what is needed.

I am eliminating a legislative augmentation of $1,500,000 which was added for Acquired Immune Deficiency Syndrome (AIDS) for medically indigent adults It is not clear how these funds could be used in the Medically Indigent Program. This Spring I included AIDS as a presumptive eligible disease in the Medi-Cal program. As such, once an individual is diagnosed as an AIDS Victim, the costs become Medi-Cal eligible. Further, I know of no means to ensure that this augmentation could be used for medically indigent adults with AIDS

I am also deleting Provision 3(b) to conform to this action.

"3. Program 25-County Health Services:

(a) The reimbursement rate for any procedure or service shall not be increased to exceed the Medicare rate for a comparable procedure or service, nor shall the reimbursement rate for any procedure or service which is currently above the Medicare rate be increased above its current level.

~~(b) The $1,5 million for AIDS treatment through county medically indigent services programs shall be distributed to counties on the basis of need through a request for proposals process.~~"

I am reducing this item by $1,500,000 for AIDS related community support services because providing funds for hospice, home health and attendant care for AIDS patients exclusive of other terminal illnesses is inappropriate If this approach is effective and cost beneficial then it should be considered in all areas. However, the Department of health Services prepared a report to the Legislature in 1980 on the cost effectiveness and need of these services under Medi-Cal The study indicated that there was not conclusive evidence on the effectiveness and efficiency of this type of care to include it as a part of the regular Medi-Cal benefit program

I am eliminating $1,000 which would be required to perform the study for the Genetically Handicapped Persons Program If the Legislature wishes to consider changing from the current diagnosis-based program to a generic program based on standards and criteria it should do so in separate legislation rather than the Budget Bill.

I am also deleting Provision 7 to conform to this action.

"7. By January 1, 1987, the department shall develop standards and priorities for determining whether a genetically handicapping condition should be eligible for services under the Genetically Handicapped Persons Program pursuant to Sections 341 and 341.5 of the Health and Safety Code The department shall submit a report to the policy committees, the fiscal committees, and the Joint Legislative Budget Committee by February 1, 1987, which (1) contains the proposed standards and priorities; (2) determines whether including Von Hippel-Lindau's Syndrome as a genetically handicapping condition would be consistent with the proposed standards and priorities, and (3) estimates the cost of including Von Hippel-Lindau's Syndrome under the Genetically Handicapped Persons Program."

I am reducing the legislative augmentation of $9,500,000 for family planning by $5,500,000. This will leave an augmentation of $4,000,000 which when combined with the COLA I proposed will give this program a 17.1 percent increase in 1985–86.

I am eliminating a legislative augmentation of $6,608,000 for the "AB 8 Program" which provides support for county hospitals and facilities as well as other local health agencies. Changes in funding for this program are made pursuant to a statutory formula based on changes in population and a specified economic index. This augmentation would provide a discretionary increase of 1.7 percent in addition to the statutory increase of 3.63 percent. If the Legislature believes that the statutory provisions for changing the funding of this program are inappropriate, then legislation should be introduced to address the Legislature's concerns

Item 4260-492—Reappropriation, Department of Health Services. I eliminate this item

I am eliminating a legislative augmentation of one position which was added to monitor local health capital projects This work can continue to be accomplished with existing staff We will continue to monitor this program to determine if additional personnel are necessary

Item 4270-001-001—For support, the California Medical Assistance Commission I reduce this item from $954,000 to $921,000 by reducing

(a) 100000—Personal Services from $1,248,000 to $1,192,000,

(b) 300000—Operating Expenses and Equipment from $519,000 to $508,000, and

(c) Reimbursements from −$813,000 to −$779,000

I am eliminating the $33,000 and 1 personnel year added by the Legislature, including $34,000 in additional reimbursements, to continue the 1984–85 negotiator staff level This position is one of 8 that negotiate contracts with hospitals serving

Medi-Cal beneficiaries. Past workload and vacancy experience do not indicate a need for this position. This action reduces a corresponding $34,000 in Item 4260-001-890 and the amount payable from federal funds through Item 4260-001-001.

Item 4270-490—Reappropriation, California Medical Assistance Commission. I eliminate this item.

I am eliminating this item, added by the Legislature, which reappropriates the unexpended balance of the appropriation provided by Chapter 328, Statutes of 1982 for the Governor's Office of Special Health Care Negotiations The Legislature reappropriated this money to the California Medical Assistance Commission Funds would be used for a pilot capitation program providing educational and technical assistance to disproportionate provider physicians Such a program is not presently a function of the California Medical Assistance Commission and I believe adding this type of activity would detract from the Commission's effectiveness in its primary mission.

Item 4300-101-001—For local assistance, Department of Developmental Services I reduce this item from $333,132,000 to $317,641,000 by reducing

(b) Purchase of services from $227,664,000 to $212,173,000, and

(b) (1) Out-of-Home Care from $87,678,000 to $72,187,000

I am reducing the $18 million legislative augmentation for Residential Care Facility rate increases by $15,491,000 This action maintains a 4 percent discretionary cost-of-living increase of $6 7 million, the passthrough of a 1 6 percent SSI/SSP increase of $2 8 million, and provides a 1 5 percent augmentation of $2 5 million for a 7.1 percent total increase of $12 million This increase is equal to one-third of the rate adjustment identified in the rate study which the department performs every three years.

I am retaining the budget act language adopted by the Legislature which directs the department to implement a pilot study of their Residential Rate Proposal The proposal restructures the existing rate reimbursement system, eliminates duplicate funding, and provides for a more equitable and client-related rate setting mechanism I am deferring approval of the full amount of the rate increase identified in the 1985 study until the required report on the pilot projects is completed The study, which is due April 1, 1986, will provide the programmatic and fiscal data needed to determine the appropriate level of a rate adjustment The findings will be available for consideration in the 1986 May Revision

Item 4440-001-001—For support of Department of Mental Health I reduce this item from $19,206,000 to $19,106,000 by reducing.

(c) 35.01—Departmental Administration from $17,584,000 to $17,484,000,

and revising Provision 2.

I am reducing this item by $100,000 to reflect the elimination of an augmentation for the development of self-help groups in communities. These are needs which should appropriately be funded within existing $489 million local Mental Health funds which have been augmented by $40 million in the Budget.

I am retaining a $400,000 augmentation to develop a youth suicide prevention program in the Department of Mental Health. This goes along with legislation I signed last year to establish a pilot project for development of suicide prevention programs in schools and communities. I am revising Provision 2 to conform to this action.

"2. Of the amount appropriated in category (c), ~~$500,000~~ *$400,000* shall be expended ~~as follows: $100,000 for contractual services to promote the development of self/help groups and $100,000~~ to support the costs of developing a youth suicide prevention program."

Item 4440-016-001—For support of Department of Mental Health I am deleting Provision 2 of this item.

"2 The department shall spend up to $500,00 to support a pilot project in Los Angeles County designed to evaluate the effectiveness of providing intensive after-care and supervision services to up to 100 state prison mentally disordered parolees The Departments of Mental Health and Corrections shall develop a research protocol which provides for random selection of the parolees and implements the research projects no later than January 1, 1986"

This conforms to my veto of the pilot project for mentally disordered parolees in Item 5240-001-001, for support of the Department of Corrections

Item 4440-101-001—For local assistance, Department of Mental Health. I reduce this item from $494,556,000 to $460,056,000 by reducing

(b) Community Service—Other from $535,783,000 to $501,283,000, and deleting Provisions 11, 13 and 17 and revising Provision 14

I am reducing this item by $34,500,000 to reflect the following actions: Elimination of an augmentation of $5,000,000 that was provided to fund county proposals for alternatives to state hospital usage I had included this amount in my proposed budget in addition to $5,045,000 in state hospital savings to provide incentive for counties to reduce 400 state hospital beds Because the bed reductions have been restored, the $5 million is no longer required

Elimination of an augmentation of $500,000 for providing training to county mental health programs in peer counseling for senior citizens. These services should be funded by counties at their option within the $40 million augmentation provided in the budget

Elimination of an augmentation of $1,000,000 that was provided to fund mental health services for victims of Acquired Immune Deficiency Syndrome If these services are viewed as a priority by county mental health services, they should also be funded by counties at their option within the $40 million augmentation provided in the budget.

Reduce by $28,000,000 the $48,000,000 legislative augmentation that was provided to fund mental health needs of homeless, seriously emotionally distrubed children and their families and equity funding needs of counties This augmentation was to implement provisions also included in AB 2541 which is still being considered by the Legislature I believe this new funding should be included and considered in conjunction with the specific functions of that bill However, the needs of chronically mentally ill homeless adults presents such an immediate problem that I am retaining the $20,000,000 included for that purpose so we can begin assisting these people as soon as possible.

I am deleting Provisions 13 and 17.

"13 $1,000,000 of the funds appropriated by this item shall be available for Acquired Immune Deficiency Syndrome (AIDS) mental health services as follows

(a) The department shall spend $1,000,000 on programs addressing the mental health needs associated with AIDS,

(b) The funds shall be allocated as follows $500,000 to San Francisco County, $335,000 to Los Angeles County, and $165,000 for other counties,

(c) The director is authorized to reallocate funds among counties for treatment associated with AIDS if a county cannot efficiently and effectively spend the funds initially allocated for AIDS treatment.

(e) The director is authorized to allocate the $165,000 for other counties based on his assessment of needs; and

(f) The department shall include language in the request-for-proposal which authorizes grantees to accept donations from those receiving services"

"17. $500,000 of the funds appropriated by this item shall be used by the department to contract with a nonprofit organization with expertise in peer counseling to (1) provide training to county mental health programs on the design and implementation of peer counseling programs, and (2) provide technical assistance to counties as they implement peer counseling programs The purpose of the training is to train county staff to train senior volunteer counselors who would then counsel senior citizens with mental health problems."

I am deleting Provision 11 of this item which puts greater restrictions on Los Angeles County, relative to the distribution of new Local Mental Health funds, than are required of any other county I do not believe that one county should be treated differently than all others

"11 That portion of the $40,000,000 in new funds appropriated by this item for mental health programs in counties with a population of 3 million or above shall be allocated to these counties only in accordance with all of the following provisions.

(a) The Departments of Mental Health and Finance shall determine that these funds shall be utilized in accordance with the index of relative need formulas in use in the county during the previous program year before county plans are approved.

(b) The funds shall be utilized to develop, insofar as possible, a balanced service system in each portion of the county or in each mental health region of that county if it is so divided

(c) The determination of regional equity and balance shall be made on the basis of fullyear costs for each program funded by the funds in the county plan

(d) The Department of Mental Health shall report to the Legislature by March 1, 1986, as to the actual use of these funds in affected counties and as to revisions in the base budgets of these counties "

I am making the following revisions to Provision 14 in order to conform with my actions on this item·

"14 ~~$18,000,000~~ *$20,000,000* of the funds appropriated by this item shall be identified as a Targeted Supplemental Fund directed towards rebuilding the state's commitment to provide specific funding for mental health treatment and support services in the following manner

(a) $20,000,000 for chronically mentally disabled adults who are homeless or at risk of becoming homeless. These services shall include basic living support services as well as alternatives to inappropriate placement in the criminal justice system

~~(b) $18,000,000 for seriously emotionally disturbed children and their families. These services should include treatment for juvenile sex offenders and juvenile victims of sex offenses. The development of locally coordinated systems among the public agencies servicing seriously emotionally distrubed children and their families shall be encouraged whenever possible.~~

~~(c) $10,000,000 for increasing the state's Short/Doyle allocations to those counties based on the "poverty/population model" currently used by the department to determine equity allocations.~~ "

Item 5100-001-185—For support of Employment Development Department I reduce this item from $21,657,785 to $15,747,000

I am reducing this item by $114,091 to eliminate a legislative augmentation that would have added 4 2 positions for workload on the Occupational Employment Statistics survey

I am also reducing this item by $2,023,028 to eliminate a legislative augmentation that would have added 67 4 positions for employment services workload

I am also reducing this item by $3,773,666 to eliminate a legislative augmentation that would have added 93.1 positions in the job services program

In total, I am reducing this item by $5,910,785 payable from this fund to Item 5100-001-870.

Item 5100-001-870—For support of Employment Development Department. I reduce this item from $295,594,213 to $292,634,610 by reducing

(a) 10—Employment and Employment Related Services from $166,708,201 to $152,332,813,

(c) 30 01—General Administration from $32,468,000 to $31,468,000,

(f) Reimbursements from −$42,578,341 to −$36,073,341, and

(i) Amount payable from the Employment Development Contingent Fund from −$21,657,785 to −$15,747,000.

I am reducing this item by $114,091 to eliminate a legislative augmentation that would have added 4.2 personnel years for workload on the Occupational Employment Statistics Survey The remaining 6 personnel years will be adequate to maintain the usefulness of the survey This action reduces the amount payable to this item from Item 5100-001-185

I am also reducing this item by $6,505,000 in reimbursements to eliminate a legislative augmentation that would have added 52 personnel years for the provision of contractual services to local service delivery areas (SDA's) These services are now

performed by the SDA's, by community-based operators or by local educational agencies. It is consistent with the philosophy of the Job Training Partnership Act that these services be provided at the local level.

I am also reducing this item by $2,023,028 to eliminate a legislative augmentation that would have added 67.4 personnel years for employment services workload This 1 3 percent augmentation to a $151 million, 2,860 personnel year activity is not necessary as the same level of services will be provided due to efficiencies achieved from the automation of the Job Service Order Sharing System $10 9 million is being invested to accomplish this automation This action reduces the amount payable to this item from Item 5100-001-185.

I am also reducing this item by $3,773,666 to eliminate a legislative augmentation that would have added 93 1 personnel years to the Wagner-Peyser Job Services Program (budget of 1,440 personnel years and $66 million) in such areas as Olympics-Related Employment and the High School Senior Model Program. The Olympics program has terminated and the High School program is incorporated within the new Model Employment Programs for Youth This augmentation is not necessary as the appropriate level of services will be provided by community-based operators, service delivery areas or community-based organizations It is consistent with federal and state policy that services be provided at the local level This action reduces the amount payable to this item from Item 5100-001-185

I am also reducing this item by $1,959,603 to eliminate a legislative augmentation that would have added 59 1 personnel years for workload that no longer exists Automation of various functions of the Unemployment Insurance Program has resulted in efficiencies which reduced the number of personnel years required to operate this $1 9 billion program from 4,357 to 4,298

Finally, I am reducing this item by $1,000,000 to eliminate a legislative augmentation that would have added 35 administrative personnel years related to other legislative staff augmentations The budgeted level of 722 administrative personnel years is sufficient to address projected workload There is no basis for approving 35 additional personnel years

Item 5100-011-870—For support of Employment Development Department I eliminate this item

I am deleting this $865,000 item, and the related language, for a pilot project of five-day workshops in the WIN-Demo program I believe that the original purposes for which I recommended these funds be spent (an In-Home Care Provider project, an Older Workers project, a Veterans Employment program, and the Job Track program for unemployed youth) will return greater benefits than the pilot project. Five-day workshops have been implemented and evaluated and there is no evidence that their higher costs result in a significantly higher job placement rate than the current three-day workshops

Item 5100-011-890—For support of Employment Development Department, for transfer to the Unemployment Administration Fund I reduce this item from $296,459,213 to $292,634,610

I am reducing this item by $3,824,603 to reflect the reduced transfer need because of veto reductions to Item 5100-001-870 (−$2,959,603) and Item 5100-011-870 (−$865,000) This is conforming action

Item 5160-001-001—For support of Department of Rehabilitation. I am deleting Provision 3.

I am deleting Provision 3, which directs the department to provide the Independent Living Skills Center a 10 percent inflationary adjustment. This language circumvents the department's competitive bidding process for contracts, and inequitably provides one contractor an inflationary adjustment

"3 At least $23,300 of the funds appropriated in this item shall be awarded to the Living Skills Center for the Visually Handicapped in San Pablo, California in order to provide a 10 percent inflation adjustment to the center's 1984–85 contracted reimbursement rate with the Department of Rehabilitation"

I am also reducing the legislative augmentation of 79 2 positions by 42.2 administrative and support staff This action retains 37 counselor positions to provide direct counseling services to rehabilitation clients. I am not eliminating the funding

however for the 42.2 positions. Consistent with the Budget I proposed, I am directing the department to redirect the $1,059,000 related to the position reductions to their miscellaneous client services category to meet direct client service needs such as transportation, work clothing and tools, and specialized training needs

Item 5160-101-001—For local assistance, Department of Rehabilitation. I reduce this item from $59,116,000 to $57,566,000 by reducing:

(b) 20—Habilitation Services from $50,874,000 to $50,274,000,

(c) 30—Support of Community Facilities from $5,483,000 to $4,533,000, and

deleting Provisions 1 and 4

I am eliminating the $950,000 legislative augmentation for new Independent Living Centers (ILC) The department has a study underway to review the existing ILC encatchment areas and service needs and will propose changes such as service expansion, center consolidations, or the establishment of satellite centers. The study will be completed by December 1, 1985. It is premature to fund new centers before the department completes this study I am deleting Provision 4 to conform with this action

"4 Of the amount appropriated in category (c), $950,000 shall be used to establish new Independent Living Centers (ILC) in order to serve part of the 30 percent of the state's unserved disabled population Each new center shall receive a $90,000 base allocation plus an additional amount based on the proportion of disabled population served. The department shall accept requests for proposals and distribute the funds by October 15, 1985

Organizations for independent living in the following areas shall be given priority for the funding Santa Cruz, Nevada, Contra Costa, Stanislaus, San Luis Obispo, and Yolo Counties, and Pasadena/Altadena and Claremont. To the extent possible, new ILC's shall be established in accordance with the preliminary findings of the statewide plan to deliver independent living services.

The $950,000 shall be used to support the development of ILC's by making grants to organizations which

(a) Are incorporated as nonprofit public-benefit corporations prior to June 30, 1985,

(b) Require at least 51 percent of the members of the board of directors to be persons with disabilities, and

(c) Will serve persons with disabilities (regardless of the nature of disability) who,

(1) Reside outside the defined catchment areas of ILC's funded during 1984–85, or

(2) Reside in areas which are not effectively served by an existing center.

Any organization satisfying the above criteria shall be eligible to apply for these funds despite failure to meet any other requirements set forth in Sections 19800 et seq. of the Welfare and Institutions Code, provided, however, that all organizations must, by June 30, 1986, meet all statutory and regulatory requirements to qualify for continuation funding in the 1986–87 fiscal year."

I am eliminating the $600,000 legislative augmentation for Supported Employment Projects. The same program and the necessary funding is being proposed in AB 1667. I believe that this augmentation should continue to be considered in the legislation

I am also deleting Provision 1 to conform with this section

"1. Of the amount appropriated within schedule (b), $600,000 shall be used to fund up to 20 Habilitation Supported Employment Projects which lead to employment of persons with developmental disabilities, with ongoing support as needed in order for those persons to maintain employment The department shall report to the Legislature by April 1, 1986, on the progress and cost of these projects. If federal funding is received for this purpose, it shall be used in place of the General Fund dollars provided "

Item 5180-101-001—For local assistance, Department of Social Services I reduce this item from $1,653,560,000 to $1,640,454,000 by reducing

(a) 10 04 005—Aid to Families with Dependent Children from $3,366,982,000 to $3,350,663,000,

(e) Amount payable from the Federal Trust Fund (Item 5180-101-890) from −$1,759,873,000 to −$1,756,660,000,

and deleting Provisions 6 and 7.

I am reducing this item by $13,106,000. The DSS has developed a rate control system for Group Home Providers which will be effective July 1, 1985. This system is intended to bring rates for similar homes into a comparable rate group. Given the fact that group homes received an average rate increase of 8 percent in 1984–85 ($13.1 million) and the disparity that exists between comparable group homes, I believe it is premature to provide an additional augmentation until the mandated rate control system has been implemented and some comparability is established. However, I am retaining sufficient funds in this item to provide a 4 percent cost-of-living increase ($6.2 million) for Foster Care Group Home Providers to be allocated according to current law I am also deleting Provision 6 because it would preclude the DSS from implementing the rate control system effective July 1, 1985, and requires the development of a prospective rate system before the current rate control system can be evaluated

"6 If the amount appropriated by the Budget Act is less than the amount necessary to reimburse group homes for their actual allowable costs, all group homes shall receive a cost-of-living adjustment (COLA) that is equal to the percentage appropriated by the Budget Act. The department shall not adopt or promulgate regulations that in any way preclude a home from receiving the full COLA If the amount appropriated by the Budget Act is sufficient to reimburse group homes for their actual allowable costs, the rates paid for foster children placed in group homes shall be the 1985–86 cost rate, defined as proposed by the department in Section 11 400 1(c) of the Administrative Standards for Public Social Services, AFDC-Foster Care Rates. Only if all group homes are reimbursed for their actual allowable costs can the department establish rates in 1985–86 as proposed in regulations submitted to the Office of Administrative Law.

It is the intent of the Legislature that, effective July 1, 1987, rates paid for foster children placed in group homes shall be made on a prospective basis The department, with the cooperation of the counties and agencies which provide care for foster children in group homes, shall develop a prospective payment system in adequate time that it may be implemented by July 1, 1987."

In addition, I am deleting Provision 7 which requires that all Foster Care Family Home Providers be provided a full cost-of-living increase because it represents a substantive change in law Welfare and Institutions Code Section 11461(c)(2) specifically requires the DSS to limit the cost-of-living increase to one-half that provided to any county whose foster family home rates exceeds the standard rate. Furthermore, elimination of this language will continue the process of reducing the rate gap that exists in this program because some counties' rates are currently above the statewide standard rate.

"7. The Legislature finds and declares that all counties now meet or exceed the foster family rate schedule established pursuant to Section 11461 of the Welfare and Institutions Code For the 1985–86 fiscal year, notwithstanding Section 11461 of the Welfare and Institutions Code, it is the intent of the Legislature that foster families in each county receive the full COLA provided in this budget. Whatever rate adjustment is necessary to accomplish the above, and which is not provided in the COLA section of this budget, shall be provided in this item."

Item 5180-101-890—For local assistance, Department of Social Services. I reduce this item from $1,759,873,000 to $1,756,660,000

I am reducing this item by $3,213,000 to correspond with action taken in Item 5180-101-001 which will allow the mandated rate control system for Foster Care Group Homes Providers to be implemented and established prior to considering additional augmentations. In addition, sufficient funds are retained in this item to provide a 4 percent cost-of-living increase for Foster Care Group Homes Providers

Item 5180-151-001—For local assistance, Department of Social Services. I reduce this item from $285,180,000 to $274,812,000 by reducing·

(a) 20.30—Other County Social Services from $225,603,000 to $223,603,000,

(a) (2) 20.30.030—County Services Block Grant from $58,896,000 to $56,896,000,
(b) 20 35—Specialized Adult Services from $369,780,000 to $369,730,000,
(b) (1) 20.35.220—In Home Supportive Services from $364,303,000 to $364,253,000,
(d) 20.42—Adoptions from $24,378,000 to $20,319,000,
(f) 20.47—Child Abuse Prevention from $14,859,000 to $10,359,000,
(g) Amount Payable from the Federal Trust Fund (Item 5180-151-890) from −$431,577,000 to −$431,336,000, and
deleting Provisions 9, 10 and 11.

I am reducing this item by $2,000,000 for adult protective services in the Other County Social Services (OCSS) program. Currently, there are several bills that propose major reforms in the adult protective services area and there is insufficient data on which to base an augmentation to the counties at this time I am also deleting Provision 11 to conform to this action

"11 Of the funds appropriated in category (a) (2), the County Services Block Grant (CSBG), $2,000,000 shall be an augmentation for adult protective services It is the intent of the Legislature, in providing this augmentation, to address the underfunding of adult protective services and the losses in purchasing power in the Adult Protective Services Program since the 1981–82 fiscal year. No county shall expend less of its CSBG for adult protective services in the 1985–86 fiscal year, including county matching funds required under the provisions of Chapter 978 of the Statutes of 1982, than it did in the 1984–85 fiscal year This augmentation represents half-year funding to be allocated beginning January 1, 1986, and shall supplement, not supplant, those CSBG funds, including mandatory county matching funds, expended in the 1984–85 fiscal year.

Augmentation funds shall be utilized to develop and maintain a basic system in each county to ensure that reports of elder and dependent adult abuse can be reported to the county on a 24-hour basis and that the county shall arrange for services in situations of extreme emergency, which may include, but are not limited to, any of the following law enforcement intervention, paramedic services, and emergency shelter services. In those adult protective service situations which are not of extreme emergency, the county may refer the reports taken after normal business hours to the appropriate services unit for action the following day

In consultation with representatives of county government, the Department of Social Services shall determine those funds necessary from this augmentation for the development and maintenance of the 24-hour access capability in each county These funds in excess of that amount shall be used to fund additional adult protective services in each county. Prior to the receipt of any adult protective services augmentation funds, each county shall prepare a plan for approval by the Department of Social Services which outlines how the county shall comply with the 24-hour access requirement and the services the county shall make available with the augmentation funds. In consultation with representatives of county government, the department shall: (1) by August 31, 1985, develop minimum guidelines for counties to follow when developing their county plans; (2) by December 31, 1985, develop an allocation formula for the augmentation funds, and, (3) no later than January 1, 1986, allocate these augmentation funds.

Each county shall utilize available adult protective services resources in the county prior to developing new county-operated resources when the private adult protective service resources are of at least equal quality and lesser, or equal, cost as compared with county-operated resources

The Department of Social Services shall provide a status report to the Joint Legislative Budget Committee by March 1, 1986, on the implementation of these requirements "

I am also reducing this item by $50,000 for an In-Home Supportive Services pilot project proposing to train workers on providing services to recipients with severe disabilities who have major behavioral problems. This pilot would be administratively

infeasible to implement because of the subjectivity in defining an agressive or belligerent recipient. I am also deleting Provision 9 to conform with this action.

"9. Funds shall be appropriated from this item for an In-Home Supportive Services Pilot Project, as follows:

(a) The Legislature finds and declares that due to severe physical or mental disabilities, some recipients of In-Home Supportive Services are incapable of adequately supervising services providers, and others cause extreme difficulties in a service provider's efforts to interact with the client due to the client's aggressiveness or belligerence.

(b) Of the funds appropriated by this item, $50,000 is for an In-Home Supportive Services Pilot Project (Pilot Project) in Sacramento County for the training of service providers, and for mediating disputes with, not to exceed 50 clients whose severe physical or mental disabilities present problems either to the provider or the client, as described in subdivision (a). The pilot project provided for under this section shall be operated for a period of one year.

(c) Under the pilot project established pursuant to subdivision (b), the county shall choose up to 50 clients whose severe physical or mental impairment create difficulties in supervising service providers, or difficulties in interaction with a service provider. The county shall provide training to service providers who shall be providing services to these clients The training shall be designed to address the problems which these client's disabilities create The county shall also handle mediation of disputes arising between clients selected for this pilot project and their service providers

(d) As an incentive for providing services to clients selected for this pilot project, service providers shall be provided with an incentive wage increase of $0 45 cents per hour in addition to the existing wage which would be paid to the provider, with the incentive payment limited to 260 hours for each client per month.

(e) The Department of Social Services shall submit a report to the chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committee of each house by March 1, 1986, describing the project and evaluating the effectiveness of training and incentive pay in reducing IHSS provider turnover as follows·

(1) The impact of training on the level of care for clients

(2) The reduction in the provider turnover rate and in administrative costs for mediating client problems and securing frequent provider replacement

(3) The criteria to be developed for the selection of the clients and providers for training to ensure the appropriate use of project funds.

(4) The most cost-effective way to provide training to individual providers."

I am further reducing this item by $3,818,000 which I included in the budget to fully fund the Adoptions Program transfer to the counties The additional funding was provided to ensure that counties would have sufficient funds to increase the number of county adoptions workers Since the Legislature did not accept my proposed transfer, these funds are no longer needed However, sufficient funds are retained in this item to provide a 4 percent cost-of-living adjustment for the adoption program In addition, I am reducing this item by $4,500,000 in the Child Abuse Prevention Program because of insufficient data on current service needs Recent legislation, Chapter 1638, Statutes of 1984 (AB 2443) which appropriated $11.25 million for primary prevention program in schools and two training centers, and Chapter 1618, Statutes of 1984 (AB 1562) which appropriates $1 5 million each year for 3 years for in-home therapy services and self-care training, increased this program by more the 100 percent above the funding level of $10,000,000 established by Chapter 1398, Statutes of 1982 (AB 1733)

I am also deleting Provision 10 to conform with this action.

"10. Of the funds appropriated in category (f), Child Abuse Prevention, expansion funds shall be apportioned to counties in a manner proportionate to their 19854–85 entitlements. Expansion funds shall be used for direct services provided by public or private nonprofit agencies from January 1, 1986, through June 30, 1986. In distributing the expansion funds, counties shall give priority to programs that address unmet needs for services to children at risk of abuse and for their families, including, but not limited to, children under the age of five, victims of sexual abuse or children at risk of sexual abuse, and teenage parents. In provision of services, emphasis shall be placed on development of mechanisms to respond to children who, in the estimation of social workers, are at risk of abuse, but who are unable to testify in court, or for other reasons are excluded from the SB 14 system. Programs which are no longer continued as a result of the rebidding process may submit claims to the Department of Social Services for ending activities such as reasonable final services to clients, evaluation, and payment of staff benefits. Claims may not exceed the programs' unused 1984–85 funds Counties shall make an effort to coordinate funds available from SB 14, AB 1733, and the Children's Trust Fund, Child Abuse Prevention Training in the Schools, and the Victims Restitution Program
The Department of Social Services shall report back to the Legislature as follows:

(a) An evaluation of currently funded programs by December 30, 1985
(b) The status of new funding on a county-by-county basis by December 30, 1985.
(c) All activities mandated by AB 1733 and subsequent budget language by March 30, 1986."

Item 5180-151-890—For local assistance, Department of Social Services. I reduce this item from $431,577,000 to $431,336,000

I am reducing this item by $241,000 to correspond with action taken in Item 5180-151-001 as a result of the Adoption Program not being transferred to the counties

Item 5180-161-001—For local assistance, Department of Social Services I reduce this item from $9,901,000 to $8,033,000 by reducing:

(a) 30—Community Care Licensing from $12,636,000 to $10,768,000

I am reducing $568,000 for Family Day Care licensing caseload growth pending the completion of a workload standard study which will be used as the basis for funding caseload growth in both the local and state portions of the Community Care Licensing Program beyond the current level of $32.2 million

In addition, I am reducing $1,300,000 of the $2,300,000 proposed in this item for family home recruitment. I believe the remaining $1 million for family home recruitment, in conjunction with the $1 million provided for training of foster parents in Chapter 1597, Statutes of 1984 (SB 2003), will provide sufficient resources for counties to increase the number of available family homes by 20 percent This increase should address any current shortages of family homes for infants and children with special needs.

Item 5180-181-001—For local assistance, Department of Social Services I reduce this item from $260,226,000 to $227,379,000 by reducing

(b) 20—Social Services from $53,413,000 to $22,599,000,

(d) 10.04.005—Aid to Families with Dependent Children from $199,549,000 to $196,577,000,

(g) Amount payable from the Federal Trust Fund (Item 5180-181-890) from −$124,426,000 to −$123,487,000, and

deleting Provision 3.

I am reducing this item by $20,300,000 for the Child Welfare Services Program prior year cost-of-living increases. Currently, the Budget Bill reflects a $25,600,000 increase for this issue rather than the correct amount ($20,300,000) adopted by the Legislature Therefore, I am also reducing this item by $5,300,000 to correct this technical error Since 1982–83, when Chapter 978, Statutes of 1982 (SB 14) was fully implemented, the Child Welfare Services Program has increased by approximately $76.7 million ($135 7

million to $212 4 million, which includes a proposed 1985–86 4 0 percent COLA). This amounts to a 57 percent increase The Department of Social Services has informed me that because of the relative newness of SB 14 they do not have sufficient historical statistical data for reliable program trend analysis The department's May Subvention Estimate indicated a 17 percent decrease in caseload in the Emergency Response Program and a 3 percent decrease in caseload in the Family Maintenance Program which may indicate program stabilization. Therefore, it would be premature to augment this program in light of the limited data to analyze program trends and recent caseload changes.

I am also deleting Provision 3 of this item which reserves $200,000 to supplement Child Welfare Services to Indian Children Indian children are already under the protection and services of federal and state child welfare laws and the supplemental protections of the federal government Indian Child Welfare Act

"3. Of the $20,300,000 dollars within Item 5180-181-001(b), for Child Welfare Services, $200,000 shall be reserved for eleven Indian Services Centers to provide Child Welfare Services to Indian children "

I am also reducing this item by $5,214,000 for the In-Home Supportive Services Program service providers for the increased cost-of-living adjustment (COLA) from 4 0 percent to 5.7 percent This reduction maintains the 4 0 percent discretionary cost-of-living increase I proposed for this program ($12,266,000) and is more in line with the rate of inflation and the cost-of-living increase provided for most other discretionary programs Currently there is no data to suggest there is a lack of IHSS service providers in the employment market that would justify special treatment for IHSS service providers over other similar service providers

Finally, I am reducing the COLA for foster care family home providers by $2,033,000 This reduction eliminates the difference between the discretionary COLA of 4 percent and the 5 7 percent ($1,435,000). It also recognizes the overstatement of COLA ($598,000) in the budget for foster care family home providers that exceed the standard rate. However, it maintains the discretionary COLA of 4 percent for foster care family home providers

Item 5180-181-890—For local assistance, Department of Social Services. I reduce this item from $124,426,000 to $123,487,000

I am also reducing the foster care family home provider COLA in this item by $939,000 to conform to my action in Item 5180-181-001.

Item 5240-001-001—For support of Department of Corrections I reduce this item from $827,568,000 to $827,068,000 by reducing

(b) 31—Community Correctional Program from $83,781,000 to $83,281,000, and deleting Provision 8.

I am reducing this item by $500,000 to eliminate the legislative augmentation for a pilot psychiatric treatment project The 1985–86 budget for the Department of Corrections already includes a partial year funding increase of over $900,000, or about $3,600,000 annualized to fund an enhanced level of institutional-based psychiatric services. The department's budget also includes $4,000,000 to fund out-patient treatment services for parolees In addition, this Administration is sponsoring legislation which would carefully control the release of and provide expanded supervision and treatment for the state's parolees who suffer from psychiatric conditions. Until the combined benefits of these treatment services have been properly evaluated, a further augmentation is premature

I am also deleting Provision 8 to conform with this action

"8. Of the amount appropriated in Schedule (b) $500,000 shall reimburse Item 4440-001-001 to support a pilot project in Los Angeles County designed to serve up to 100 state prison parolees in Department of Mental Health intensive aftercare and supervision services such as currently are provided to offenders returning to the community from state hospitals The project shall begin no later than January 1, 1986 The Departments of Corrections and Mental Health shall jointly conduct a study of the effectiveness of the project and report the findings to the Joint Legislative Budget Committee and legislative fiscal committees by December 1, 1986 "

Item 6100-001-001—For support of Department of Education. I reduce this item from $32,463,000 to $31,920,000 by reducing

(b) 20—Instructional Support from $25,002,000 to $24,602,000,

(c) 30—Special Programs from $16,042,000 to $15,997,000,

(d) 41—Executive Management and Special Services from $8,240,000 to $8,142,000, and revising Provision 8

I am reducing the $800,000 augmentation for the Golden State Examination Program to $400,000 to provide for the development of four subject area examinations These funds, in addition to the appropriation made by SB 813, will allow for the completion of six subject area examinations in the Golden State Examination Program during the 1985–86 fiscal year.

I am eliminating the $45,000 which the Legislature added to further fund the administrative activities related to the implementation of Chapter 1603, Statutes of 1984, and Chapter 1604, Statutes of 1984. My budget includes the continuation of 1.5 positions and appropriate operating expenses to carry out the tasks associated with the enactment of this legislation I do not believe that the operating expense augmentation is necessary for these tasks

I am reducing the $148,000 augmentation for the Teacher Recruitment Initiative by $98,000 The California Commission on the Teaching Profession is currently doing a study of the teaching profession that includes the element of recruitment The $50,000 remaining in this item for the Teacher Recruitment Initiative will allow initial steps to be taken towards a recruitment effort while waiting for completion of the California Commission on the Teaching Profession study before fully implementing a recruitment effort. Even with this reduction, the Department of Education's budget for Executive Management and Special Services will be $3,058,000 greater than its current year level

Consistent with this action, I am reducing the $148,000 amount specified in Provision 8 by $98,000 This Provision also prescribes the means of expending funds for the Teacher Recruitment Initiative.

"8 Of the funds appropriated in schedule (d) of this item, ~~$148,000~~ *$50,000* shall be for the purpose of conducting a teacher recruitment campaign The campaign shall be conducted by a contractor selected through a competitive bidding process, with at least two bids required for the awarding of the contract No elected public official shall appear in, or be the subject of, advertisements used in conducting this campaign "

Item 6100-011-001—For support of Department of Education, California State Library I reduce this item from $9,437,000 to $8,659,000 by reducing

(a) 50—Library Services from $10,945,000 to $10,167,000

I am eliminating the $244,000 General Fund augmentation for support of additional microfilming activities at the Library. I believe that the $321,000 remaining in this budget for microfilming services is sufficient to support the microfilming of the seriously endangered newspapers in accordance with the legislative priorities expressed in Provision 1 of this item.

I am eliminating the $534,000 added for automation of the Library card catalogs I believe providing funds for these purposes is premature until such time as system tests and feasibility study reports are completed and reviewed.

Item 6100-025-001—For support of Federation of California Minority Radio Stations. I eliminate this item

I am eliminating this item of $150,000 for support of six minority radio stations In the 1984–85 fiscal year, I approved an augmentation of $125,000 for one-time assistance to enable the minority radio stations to pursue more permanent sources of funding for on-going operations I do not believe the general taxpayer should be responsible for funding these kinds of programs on an ongoing basis

Item 6100-101-001—For local assistance, Department of Education I reduce this item from $6,725,098,000 to $6,701,735,000 by reducing·

(a) 10.10 001 001—School apportionments, for district revenue limits from $6,475,028,000 to $6,463,559,000,

(b) 10 10.001.002—School apportionments, for necessary small schools from $15,541,000 to $15,491,000,

(c) 10.10.001.003—School apportionments, for small school district transportation aid from $19,403,000 to $19,126,000, and

(f) 10.10 011—School apportionments, for summer school programs from $60,996,000 to $60,972,000,

and by eliminating.

(1) For transfer to schedule (dd) of Item 9680-101-001, for funding STRS unused sick leave credits $11,543,000

I am also deleting Provisions 8 and 21

I am reducing this item by $23,363,000 to eliminate $277,000 for increased funding for small school district transportation aid, $11,543,000 for funding an increase in base revenue limits, and $11,543,000 for the funding of State Teachers' Retirement System unused sick leave credits

I am eliminating the increase for small district transportation because I believe that the cost-of-living increase budgeted for small school district transportation aid is sufficient to provide aid to small districts with substantial transportation costs and that the apportionments to districts should continue to be allocated on a funds available basis Even with this reduction an additional $765,000 for this purpose will be available in 1985–86 through the cost-of-living adjustment applied to these allocations

I am eliminating the $11,543,000 legislative augmentation to increase districts' 1985–86 base entitlements The amount remaining in this item after my reduction fully funds the base entitlements established by the 1984 Budget Act Together with the statutory cost-of-living adjustment provided in Item 6100-226-001, the amount remaining in this item will fully fund 1985–86 district revenue limits

I am eliminating $11,543,000 for transfer to the Local Mandate item, Item 9680-101-001, because I believe that it will imply that the costs of service credit awarded STRS retirants for unused sick leave pursuant to Chapter 89, Statutes of 1974, are reimbursable State mandated costs However, I recognize the need to permanently resolve the issue of support for STRS sick leave service credit Therefore, I am retaining Provision 13 in Item 9680-101-001 which states the Legislature's intent to permanently resolve this issue through separate legislation In addition, I am setting aside $18,000,000 to be used, if necessary, to fund the first year cost of the legislation

To conform to this action, I am also deleting Provision 21 which provides for direct payment to the State Teachers' Retirement System for the purpose of funding the cost of increased service credit retirement benefits

"21 The funds appropriated in schedule (1) of this item are for direct payment to the State Teachers' Retirement System for the purpose of funding the cost of increased service credit retirement benefits in lieu of the amount required pursuant to Section 22720 of the Education Code. On July 1, 1985, the Controller shall transfer the amount appropriated in Schedule (1) of this item to Schedule (dd) of Item 9680-101-001 of this act "

I am deleting Provision 8, which would require the State to fund one-half of the cost of salary increases for San Francisco Unified School District for the 1980–81 and 1981–82 fiscal years I am deleting this provision because it would result in a $1.8 million deficiency in this item and because providing such special treatment to San Francisco Unified is unfair to other districts. The situation that exists in San Francisco that prompted this language is one created by the local governance structure A solution to the school district's problem should be negotiated at the local level.

"8. In addition to other apportionsments, the Superintendent of Public Instruction shall also allocate to districts one-half of salary increases granted to classified employees of a school district in the fiscal years 1980–81 through 1981–82, inclusive, by the board of supervisors of a city and county."

Item 6100-102-001—For local assistance, Department of Education. I reduce this item from $193,897,000 to $191,744,500.

I am reducing the ROC/P base amount by $2,152,500 to reflect a technical adjustment When the Governor's Budget was prepared, it included funding to reflect the 1984–85 ROC/P deficiency which was estimated to be $5.6 million. Because the average daily attendance reported by ROC/Ps was less than anticipated, the current estimate of the 1984–85 deficiency is $3 5 million.

Item 6100-106-001—For local assistance, Department of Education I reduce this item from $81,341,000 to $81,041,000

I am eliminating the $300,000 legislative augmentation to increase county offices' 1985–86 base entitlements. The amount remaining in this item after my reduction fully funds the base entitlements established by the 1984 Budget Act. Together with the statutory cost-of-living adjustment provided in Item 6100-226-001, the amount remaining in this item will fully fund 1985–86 county office revenue limits.

Item 6100-121-001—For local assistance, Department of Education.

I am deleting Provision 3. This Provision would prohibit the adoption of changes in administrative regulations pertaining to the classification of bilingual students pending the outcome of the sunset review of the bilingual education programs.

"3. Pending the outcome of the sunset review of bilingual education programs pursuant to Section 62006 of the Education Code, there shall be no change in administrative regulations pursuant to Section 52164.6 of the Education Code as it was in effect on May 1, 1985."

Section 231 of Chapter 498, Statutes of 1983, requires the State Board of Education and the Superintendent of Public Instruction to review and make recommendations regarding the regulations governing the reclassification of limited English speaking pupils. The State Board of Education has adopted amendments to these regulations in accordance with its vested powers, and it is my belief that these amendments should be allowed to take affect in accordance with current statutes

Item 6100-161-001—For local assistance, Department of Education I reduce this item from $780,198,000 to $778,698,000.

I am eliminating the $1,500,000 legislative augmentation to increase 1985–86 base entitlements for special education. The amount remaining in this item, after my reduction, fully funds the base entitlements established by the 1984 Budget Act. Together with the statutory cost-of-living adjustment provided in Item 6100-226-001, the amount remaining in this item will fully fund 1985–86 special education entitlements

Despite this reduction, the Budget Act contains more than $1.2 billion in state and federal funds for the special education program. Within this total is $32 5 million of new state funding for program expansion, including $10 million for growth in the regular program; $5 million for expansion of the infant program; $3 5 million for incentives for the longer day and year for county offices; $3.5 million for vocational education for handicapped individuals; $5.5 million for increased numbers of instructional aides for severely handicapped pupils; and $5 million for the purchase of specialized equipment for pupils with low incidence disabilities These expansions and improvements of the special education program represent the first year of my three-year plan for improving the quality of special education programs in California.

Item 6100-183-178—For local assistance, Drug Abuse Prevention. I eliminate this item

I am eliminating the $300,000 augmentation, and the related language, to establish pilot drug prevention projects. While I believe these programs are necessary, drug prevention programs are already provided for all K–12 pupils as required by current law Additionally, during 1985–86, the budget provides $500,000 for School-Community Primary Prevention programs designed to prevent drug and alcohol abuse. In addition, there is over $235 million in categorical K–12 education program funds, and over $10 billion in general apportionments that may be used by school districts for drug abuse prevention programs.

I encourage schools and the community to develop drug abuse prevention programs utilizing existing resources available for such purposes.

Item 6100-193-001—For local assistance, Regional Science Resource Centers. I eliminate this item.

I am deleting the $225,000 augmentation for Regional Science Resource Centers, established by Chapter 1651, Statutes of 1984, to increase science education and training opportunities for K–12 students and teachers

I support the concept of such training. The 1985–86 Budget provides over $10 billion in general purpose revenues, $71.6 million for staff development and teacher training and over $235 million for categorical programs that may be used for science education and teacher training in K–12 schools. I would, therefore, encourage school districts to

review the training techniques being used in such centers and to provide for the emulation of these techniques in science classrooms throughout our schools.

Item 6100-201-001—For local assistance, Department of Education. I reduce this item from $46,872,000 to $33,872,000 and revising Provision 2.

I am reducing $13,000,000 of the $16,800,000 augmentation provided to increase the reimbursement rates for child nutrition meal subsidies

I have reviewed the funding for this program and find that $3,800,000, which I have retained, will ensure that nutritious meals are provided to the children in greatest need in accordance with current statutes

Consistent with this action, I am revising Provision 2 as follows:

"2 Notwithstanding any other provisions of law, except as provided in this provision, funds appropriated by this item shall be available for allocation in accordance with provisions of Section 49536 of the Education Code, except that such allocation shall not be made on the basis of all meals served but shall be made on the basis of the number of meals that are served and which qualify as free or reduced priced meals in accordance with provisions of Sections 49501, 49550, and 49552 of the Education Code Notwithstanding Section 49536 of the Education Code, of the amount appropriated in this item, ~~$16.8~~ *$3.8* million shall be used to increase the reimbursement to child nutrition entities under Section 49536 of the Education Code on a pro rata basis."

Item 6100-221-001—For local assistance, Department of Education, California State Library. I reduce this item from $20,250,000 to $18,300,000.

I am reducing the $5,000,000 augmentation for the Public Library Foundation by $1,950,000 I believe that the $18.3 million remaining, which is $6.3 million and 53 percent more than the current year level of funding, will provide a reasonable level of State assistance to local public libraries.

Item 6100-226-001—For local assistance, Department of Education. I reduce this item from $794,626,450 to $765,160,700 by reducing·

(a) (1) K–12 District Revenue Limits from $594,100,000 to $580,256,000,

(a) (2) Necessary Small Schools from $3,884,000 to $3,795,000,

(a) (5) Apprentice Programs from $154,897 to $152,000,

(a) (6) Regional Occupational Centers and Programs from $11,880,972 to $11,649,700,

(a) (7) K–12 County Offices of Education from $11,360,000 to $11,092,000,

(a) (10) Summer School Programs from $3,861,000 to $3,775,000,

(b) Demonstration Programs in Reading and Math from $252,120 to $247,000,

(e) Economic Impact Aid from $11,867,553 to $7,500,000,

(g) (1) Special Education-Exceptional Children from $84,293,000 to $82,336,000,

(g) (2) Special Education-Regional Services from $1,825,000 to $1,784,000,

(j) Miller-Unruh Reading Program from $1,149,666 to $1,124,000,

(k) Instructional Materials (K–8) from $3,941,000 to $3,854,000,

(*l*) Instructional Materials (9–12) from $1,260,307 to $1,233,000,

(s) School Improvement Program (for transfer to Item 6100-116-001) from $11,845,000 to $11,607,000,

(s) (1) School Improvement (K–6) from $10,747,000 to $10,509,000,

(u) Preschool Education from $2,157,854 to $1,364,000,

(v) (1) General Child Development Programs from $12,456,305 to $7,872,000,

(v) (2) Campus Children's Center from $371,470 to $236,000,

(v) (3) Parenting and Infant Development from $303,085 to $192,000,

(v) (4) Migrant Day Care from $398,308 to $252,000,

(v) (5) Special Allowances for Rent from $24,128 to $16,000,

(v) (6) Special Allowances for Handicapped from $43,256 to $27,000,

(v) (7) Alternative Payment Program from $1,209,342 to $765,000,

(v) (8) Resources and Referral from $429,145 to $272,000,

(v) (9) Campus Child Care and Tax Bailout from $242,410 to $153,000,

(v) (10) Protective Services from $60,675 to $39,000,

(x) Urban Impact Aid Unified School Districts from $4,589,957 to $2,902,000,

(x) (1) Urban Impact Aid—Unified School Districts from $4,006,914 to $2,533,000, and

(x) (2) Urban Impact Aid—Non-Unified School Districts from $583,043 to $369,000, and revising Provision 3.

I am reducing $29,465,750 from this item to: (1) reduce the legislative augmentation for programs receiving discretionary COLA's, from $19,235,450 to $6,429,000, (2) eliminate the legislative augmentation of $16,523,000 for programs receiving the statutory revenue limit COLA; and (3) reflect a technical adjustment of $136,300 to the COLA for ROC/P's.

I am reducing the legislative augmentation for certain programs receiving a discretionary COLA from $19,235,450 to $6,429,000. The funds remaining in the budget after this reduction will provide a 6.19 percent COLA for programs with a substantial portion of costs tied to salaries and benefits of school employees and a 4 percent COLA for other discretionary programs.

I am also eliminating legislative augmentations totaling $16,523,000 that relate to the 1985–86 cost-of-living adjustment for those programs receiving the statutory revenue limit COLA. The appropriations remaining in this budget after my reduction fully fund the base entitlements established by the 1984 Budget Act and the 1985–86 statutory COLAs. To be consistent with this action, I am also revising in paragraph (b) of Provision 3 of Item 6100-226-001 which was added by the Legislature and would change the methodology used to calculate the statutory COLA for school apportionments.

"3. Notwithstanding Section 42238.1 of the Education Code, for the 1985–86 fiscal year the Superintendent of Public Instruction shall compute an inflation adjustment for each type of school district equal to the product of subdivisions (a) and (b):

(a) Compute for the sum of the following:

(1) The statewide average base revenue limit per unit of average daily attendance for the 1984–85 fiscal year for districts of similar type.

(2) The amount, if any, per unit of average daily attendance received by the district pursuant to Article 8 (commencing with Section 46200) of Chapter 2 of Part 26 of the Education Code for the 1984–85 fiscal year.

(b) The percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the 1984–85 fiscal year. This percentage change shall be determined using the latest data available as of May 1, 1985 ~~, compared with the annual average value of the same deflator for the 12/month period ending in the third quarter of the 1983/84 fiscal year, using the data upon which the inflation adjustment calculated for the 1984/85 fiscal year was based~~. The percentage change computed pursuant to this provision shall be deemed to be the percentage change computed pursuant to Section 42238.1 of the Education Code for the 1985–86 fiscal year."

Finally, I am eliminating $136,300 from the COLA for ROC/P's to correspond to my reduction of the base amount for this program resulting from the revised estimate of current year entitlements.

Item 6360-001-001—For support of Commission on Teacher Credentialing I eliminate this item

I have already approved and the Legislature has concurred with four Department of Finance letters totaling $962,000 to augment the Commission's budget I believe the total currently proposed, all of which is a proper charge against the Teacher Credentials Fund, will be adequate for Commission operations Therefore, I am eliminating the General Fund appropriation of $1,361,000 for support of the Commission on Teacher Credentialing

Item 6440-001-001—For support of University of California. I reduce this item from $1,516,561,400 to $1,509,629,000 by reducing

(a) Support from $1,499,604,400 to $1,496,972,000,

(f) AIDS Research from $9,200,000 to $4,900,000, and

deleting Provision 13 and revising Provision 7.

I am eliminating legislative augmentations of $400,000 for the California Policy Seminar, $200,000 for the Aging Health Policy Center, and $55,400 and 1 position for the Student Affirmative Action Council. The Regents have an established method of requesting support for University activities. These requests have not received internal University review nor the assessment of priority within the University's programs.

In addition, I am eliminating the legislative augmentation of $227,000 for stipends for preventive medicine residents. These residents work for county public health departments, which should pay for any necessary stipends

I am also eliminating the legislative augmentation of $750,000 for the Lawrence Hall of Science. The University can obtain additional resources for this program by reallocating funds internally or by increasing fees for services.

I am reducing the legislative augmentation for janitorial services by $1,000,000 and 41 positions. The University will retain $33,000,000 and 1,258 positions for janitorial services. I am also deleting Provision 13 to conform to this action.

"13 Of the funds appropriated in schedule (a), $2,000,000 shall be available for additional janitorial services It is intended that these additional services be performed by university employees only, and not by contract personnel."

In addition, I am reducing $4,300,000 from the legislative augmentation for research into Acquired Immune Deficiency Syndrome (AIDS). The budget will retain $4,900,000 for AIDS research, which should provide sufficient resources for high quality research into this urgent public health problem I am also revising the corresponding language in Provision 7 as follows

"7. Of the funds appropriated in Schedule (f), $3,900,000 shall be available only for expenditure to support research into Acquired Immune Deficiency Syndrome (AIDS) within the University of California. Of this amount, $1,000,000 shall be available to fund research into AIDS in conjunction with non-University of California institutions; ~~$1,600,000 shall be made available for career development awards to encourage the entry of additional researchers into the field of AIDS, and $2,300,000 shall be available for research into AIDS with particular emphasis upon: the replacement of funds lost as result of funding cutbacks by the National Institute of Health, the funding of clinical drug trials at those centers which have been accredited to conduct such trials; which funding may include the administrative appraratus necessary to monitor trial results; and the providing of resources necessary to conduct viral cultures of AIDS causative and related agents. In addition, $400,000 shall be made available to the Institute for Health Policy Studies at the University of California at San Francisco to conduct a study for the Legislature on the medical costs associated with AIDS.~~ "

Item 6440-011-001—For support of University of California

I am retaining the $5,360,000 augmentation for general compensation increases for nonacademic employees, which represents a one percent increase to the nonacademic employee compensation package. These additional funds will provide for sufficient resources for salary and benefit increases, including special salary adjustments, of up to 7.5 percent in recognition of our interest to recruit and retain competent and dedicated employees and to achieve necessary management objectives through the collective bargaining process.

Item 6440-012-001—For support of University of California I eliminate this item

Special salary adjustments related to the comparability of the value of the work should be addressed through the collective bargaining process I have provided funds for up to a 7.5 percent compensation increase for non-academic employees with the intent that, subject to collective bargaining negotiations, these funds be used for all salary and benefit increases including special salary adjustments. I am, therefore, eliminating $5,055,000 and the related language

Item 6440-301-525—For Capital Outlay, University of California.

I am approving this item with the condition that the Public Works Board is to authorize only short-term notes to finance the equipment purchase projects in categories:

(4) 99.03.010—Davis Campus—Equip Food and Agricultural Sciences Building $4,682,000,

(6) 99.08.005—Santa Barbara Campus—Equipment Engineering Unit 2 $4,387,000.

The short-term notes to be authorized by the Public Works Board are to be retired by a direct appropriation from the Capital Outlay Fund for Public Higher Education and not refinanced.

I am taking this action because I do not believe it is sound fiscal policy to sell bonds for the purchase of equipment when the equipment alone would provide the collateral for those bonds

Item 6600-001-001—For support of Hastings College of Law I reduce this item from $10,390,000 to $10,244,000 by reducing

(a) 100000—Personal Services from $9,834,000 to $9,702,000 and

(b) 300000—Operating Expenses and Equipment from $2,861,000 to $2,847,000

I am eliminating the legislative augmentation of $146,000 and 2 8 positions for clinical program supervision My budget includes $158,000 and 2 positions for a new program for Hastings' students to develop their legal skills through actual work experience by conducting legal research for state policy makers These additional resources should meet the need for an improved work experience program for Hastings' students

Item 6600-011-001—For support of Hastings College of Law

I am retaining the $26,566 augmentation for general compensation increases for nonacademic employees which represents a one percent increase to the nonacademic employee compensation package. These additional funds will provide for sufficient resources for salary and benefit increases, including special salary adjustments, of up to 7 5 percent in recognition of our interest to recruit and retain competent and dedicated employees and to achieve necessary management objectives through the collective bargaining process

Item 6600-012-001—For support of Hastings College of Law I eliminate this item

Special salary adjustments related to the comparability of the value of the work should be addressed through the collective bargaining process I have provided funds for up to a 7.5 percent compensation increase for non-academic employees with the intent that, subject to collective bargaining negotiations, these funds be used for all salary and benefit increases including special salary adjustments I am, therefore, eliminating $26,000 and the related language

Item 6610-001-001—For support of California State University. I reduce this item from $1,170,323,000 to $1,169,756,000 by reducing

(a) 01—Instruction from $809,576,000 to $809,268,000,

(c) 04—Academic Support from $149,702,000 to $149,443,000, and

deleting Provision 8 and revising Provision 9

I am reducing the $308,000 and 12 position augmentation in Instruction for Librarian sabbaticals. The 1984-85 collective bargaining process resulted in the shift of librarians to the faculty salary schedule, thus making librarians eligible for sabbaticals This is viewed as a Memorandum of Understanding (MOU) cost, and as such should be funded from the budgeted employee compensation item. The budget includes $86,618,000 for employee compensation and benefits for CSU employees of which $52,305,000, equating to an average 10.5 percent salary increase, would be for CSU faculty. This represents the second year of higher than 10 percent increases for CSU faculty. To conform with this action, I am deleting Provision 8.

"8 Of the funds appropriated in this item, $308,000 shall be for sabbaticals for librarians"

I am reducing a legislative augmentation in Academic Support of $737,000 and 8 positions for a Center for Government Studies at the CSU Sacramento campus by $259,000 and 3.5 positions. The three elements of this request being reduced include the Sacramento Semester Program, the Survey Center and Issue Dialogue I am retaining the Senate, Assembly, and Executive Fellows components of this request Two of the eliminated elements, the Sacramento Semester Program and the Survey Center, were previously denied by this Administration. These elements would have added activities to CSU of unknown priority within the scope of its programs I am accordingly reducing the $737,000 cited in Provision 9 to $478,000

"9. Of the funds appropriated in this item, ~~$737,000~~ *$478,000* shall be to fund the Center for Government Studies at the California State University Sacramento campus."

Item 6610-031-001—For support of California State University

I am retaining the $4,575,000 augmentation for general compensation increases for nonacademic employees, which represents a one percent increase to the nonacademic employee compensation package. These additional funds will provide for sufficient resources for salary and benefit increases, including special salary adjustments, of up to 7 5 percent in recognition of our interest to recruit and retain competent and dedicated employees and to achieve necessary management objectives through the collective bargaining process

Item 6610-033-001—For support of California State University I eliminate this item

Special salary adjustments related to the comparability of the value of the work should be addressed through the collective bargaining process I have provided funds for up to 7.5 percent compensation increase for nonacademic employees with the intent that, subject to collective bargaining negotiations, these funds be used for all salary and benefit increases including special salary adjustments I am, therefore, eliminating $4,067,000 and the related language.

Item 6610-035-001—For support of California State University. I eliminate this item

The additional 1985–86 cost of providing a special salary schedule for the hard-to-hire disciplines resulted from the 1984–85 collective bargaining process, with both CSU and CFA agreeing that the cost would come off the top of any 1985–86 compensation funds Each party should abide by its agreement and not attempt to circumvent the collective bargaining process. Sufficient funds exist in Item 6610-031-001 ($52 3 million for a three-stage average 11 3 percent increase in salary and benefits) to allow the State University to maintain a competitive position for faculty recruitment and retention In addition, this budget reflects the second year of plus 10 percent average salary increases for CSU faculty I am therefore eliminating $3,175,000 and the related language

Item 6610-492—Reappropriation, California State University I reduce the expenditure authority in this item from $2,000,000 to $1,134,000

The budget initially proposed that the General Fund share 50/50 in the concurrent enrollment program revenues, or $2,000,000, but also returned $866,000 to fund specific faculty development requests, $616,000 for faculty travel and $250,000 for faculty retraining In all fairness I believe that $2,000,000 should be reduced by the $866,000 initially returned to CSU under the original proposal

Additionally, for 1986–87 I believe that the revenues and expend.tures for the concurrent enrollment program should be included in the Budget Act If CSU wishes continuation of the $866,000 for faculty development in 1986–87, a budget change proposal should be submitted with funding from the concurrent enrollment revenues

Item 6870-001-001—For support of Board of Governors of the California Community Colleges. I reduce this item from $6,449,000 to $6,249,000 by reducing.

(b) 20 00—Special Services and Operations from $6,968,000 to $6,808,000.

I am reducing this item by $160,000 and 2 0 positions. This amount was added by the Legislature to provide State support for the implementations of a matriculation plan in the community colleges This conforms to the action I have taken in Item 6870-101-001

Item 6870-101-001—For local assistance, Board of Governors, California Community Colleges I reduce this item from $1,228,590,100 to $1,168,531,800 by reducing

(a) 10—Apportionments from $1,151,261,000 to $1,105,315,000,

(b) 20 10 010—Community College Extended Opportunity Programs and Services from $28,736,800 to $27,882,000,

(c) 20.10.020—Disabled Students from $28,435,300 to $25,679,000,

(e) 20.20 020—Partial Financing of the Academic Senate for the Community Colleges from $74,000 to $72,800, and

(f) 20 30 020—Instructional Improvement, for Transfer to the Community College Fund for Instructional Improvement from $783,000 to $283,000,

by eliminating.

(j) 20.10 060—Matriculation $10,000,000, and
deleting Provisions 13 and 15 and revising Provision 2

I am reducing the community college apportionment program by $45,946,000 The Legislature has indicated in this budget that it is willing to commit $61.5 million on an ongoing basis to community colleges by funding the elimination of the 911 attendance factor with an additional $16,600,000 for a one percent make-up COLA I am not prepared to make such a major commitment of future General Fund resources Any such change should take place only in the context of a change in the funding mechanism and recommendations from the Commission for the Review of the Master Plan on the prioritization of the mission of the colleges

However, I believe it is essential to provide one-time funds to districts experiencing a loss of revenue due to declining ADA My budget provides $31,800,000 for this purpose which will be allocated to 49 community college districts to cover 66 percent of that loss The funding level in the Budget will provide a 9 9 percent apportionment program increase

Consistent with this action, I am revising Provision 2

"2 (a) Notwithstanding any other provision of law, after sufficient funds have been allocated to comply with the provisions of Article 1 (commencing with Section 84700) of Chapter 5 of Part 50 of the Education Code, an amount not to exceed ~~$75,290,000~~ *$31,844,000* of the amount appropriated in Schedule (a) shall be allocated to community college districts by the Chancellor of the California Community Colleges ~~Of this $75,290,000 the Chancellor may allocate an amount not to exceed $13,790,000 as an augmentation to the provisions of Section 84701 of the Education Code and an amount not to exceed $61,500,000 for purposes of meeting the costs associated with adjusting the absence penalty factor as specified in Section 58003 of Title 5 of the Administrative Code or~~ for allocation to those districts which are most in need of revenue adjustments due to declining average daily attendance

~~(b) If allocations are made for the purpose of funding the costs associated with adjusting the absence penalty factor, the Chancellor may adjust the number of funded average daily attendance for any community college district above that level defined in subdivision (c) of Section 84701 of the Education Code. However, no district shall receive these additional funds for the average daily which exceeds that district's 1982/83 level of funded average daily attendance plus any allowable growth in the average daily attendance for the 1985/86 fiscal year funded pursuant to the provisions of Section 84706 of the Education Code.~~

(c) Unless allocated to districts for purposes of deferring revenue adjustments for declining average daily attendance, amounts allocated pursuant to these provisions shall be considered as part of the district base revenues for the 1986–87 fiscal year Prior to the allocation of funds in excess of the amount necessary to meet the provisions of Article 1 (commencing with Section 84700) of Chapter 5 of Part 50 of the Education Code, the Chancellor shall first obtain the approval of the Director of Finance The Director of Finance shall notify the Joint Legislative Budget Committee of the methods to be used for allocating these funds not less than 30 days prior to the allocation."

I am reducing the EOPS program by $854,800 and the Disabled Student Program by $756,300 which were additional cost-of-living adjustments provided by the Legislature My budget provides $53.6 million for these programs This includes a 4 percent cost-of-living adjustment consistent with that provided other categorical programs

I am also reducing the Disabled Student Program by $2,000,000. These funds were requested to serve additional disabled students in the community colleges. While I am supportive of this program, I believe it is critical that the Chancellor's Office provide better documentation on how estimates of program growth are derived. Until such documentation is provided, we cannot ascertain how these funds will be allocated and cannot, therefore, justify this augmentation

I am reducing the partial Financing of the Academic Senate by $1,200. This will provide a 4 percent cost-of-living adjustment for this program which is consistent with that provided other categorical programs

I am reducing the amount provided for Instructional Improvement Grants by $500,000. The $283,000 provided in my budget is sufficient to fund the high priority grant requests

I am eliminating the $10,000,000 provided for matriculation services As indicated in my veto message of AB 2638 of last year, I believe this area of student services is one that should be reviewed by the Commission for the Review of the Master Plan

To conform to this action I am also deleting Provision 13.

"13 The funds appropriated in Category (i) are to be allocated for matriculation services in accordance with statutory provisions If there are no statutory provisions, the funds shall be allocated by the Chancellor in accordance with a plan specified by the Board of Governors No funds shall be allocated prior to 30-day notification to the Joint Legislative Budget Committee of the allocation plan "

To conform to action taken elsewhere in this budget, I am also deleting Provision 15

"15 Of the funds appropriated in Category (a), $2,810,000 is for direct payment to State Teachers' Retirement System for the purpose of funding the cost of increased service credit retirement benefits in lieu of the amount required pursuant to Section 22720 of the Education Code. On July 1, 1985, the Controller shall transfer $2,810,000 from the amount appropriated in Category (a) of this item to Category (ee) of Item 9680-101-001 of this act."

I am eliminating this transfer of funds because I believe it will imply that the costs of service credit awarded STRS retirees for unused sick leave pursuant to Chapter 89, Statutes of 1974, are reimbursable State mandated costs However, I recognize the need to permanently resolve the issue of support for STRS sick leave service credit. Therefore, I am retaining Provision 13 in Item 9680-101-001 which states the Legislature's intent to permanently resolve this issue through separate legislation In addition, I am setting aside $18,000,000 to be used, if necessary, to fund the first year cost of the legislation

Item 6870-101-146—For local assistance, Board of Governors of the California Community Colleges I reduce this item from $12,200,000 to $6,100,000, and modifying Provision 2

Of the $6,100,000 remaining in this item, $5,000,000 is provided to fund additional deferred maintenance projects in the community colleges This is a high priority use of funds and will provide a budget total of $13,000,000 to help eliminate the critical backlog of repairs The remaining funds are for equipment replacement needs This is another high priority use of one-time funds in the community colleges. With the $25,000,000 provided in Item 6870-101-036, community colleges will receive $40 per ADa for equipment replacement needs

I am adjusting the language in Provision 2 to reflect this reduction.

"2. Of the amount appropriated in this item, ~~$7,200,000~~ *$1,100,000* is available on a one-time basis for the purpose of providing community college districts with funds to make one-time purchases of instructional equipment. These funds are to be allocated by the Chancellor on a per ADA basis to the districts."

Item 6870-101-909—For local assistance, Board of Governors of the California Community Colleges I reduce this item from $967,000 to $467,000, and revising Provision 1

This action conforms to the reduction made in Item 6870-101-001(f), Instructional Improvement The $467,000 provided in my budget will fund the high priority program requests

I am also adjusting the language in this item so that $283,000 is available for allocation for grants

The remaining amount in this appropriation is for Instructional Improvement loans to community colleges

I am revising Provision 1 to reflect this reduction

"1. Of the amount appropriated by this item, not more than ~~$783,000~~ *$283,000* shall be allocated for grants and not more than $184,000 shall be allocated for loans."

Item 6870-111-146—For local assistance, Board of Governors of the California Community Colleges I eliminate this item

I am deleting the $2,000,000 in this item AB 1177, which was introduced this year, would authorize the construction of child care facilities at community college districts under the terms of the Community College Construction Act of 1980. If the determination is made that child care facilities should qualify for allocation of funds, then any such proposals should be reviewed during the regular capital outlay budget process in order to determine need and priority use of the funds

Item 6870-301-146—For capital outlay, Board of Governors of the California Community Colleges I reduce this item from $33,138,000 to $28,304,000, by eliminating:

(10.1) 40 26.060.020—Los Angeles Community College District, Los Angeles Southwest College, working drawings, occupational technology building $236,000,

(10 2) 40 26.060.040—Los Angeles Community College District, Los Angeles Southwest College, working drawings, physical education facilities $426,000,

(40) 40 19.010 030—Grossmont Community College District, Cuyamaca College, working drawings, outdoor physical education facilities $93,000,

(45) 40.40.40 030—Peralta Community College District, Merritt College, working drawings, conversion of existing space $75,000, and

(46) 40.70 010 020—Yosemite Community College District, Columbia College, construction, multipurpose instructional facility $4,004,000.

I am reducing this item by a total of $4,834,000. The five projects I am deleting are not high priority projects for 1985–86 and in most cases the campuses are overbuilt and have excess space due to reduced enrollment The future costs of these projects would require $18.1 million

I am requesting that the Board of Governors review these projects during their consideration of other projects for 1986–87 funding This deferral will not have a detrimental effect on State educational programs and will allow proper review through the budgetary process

Item 8100-001-001—For support of Office of Criminal Justice Planning. I reduce this item from $3,763,000 to $3,463,000 by reducing

(b) 300000—Operating Expenses and Equipment from $2,520,000 to $2,220,000, and deleting Provision 6.

I am reducing $200,000 for courtroom renovation because there are other less costly alternatives for making courtrooms more "friendly" to minors. I also believe that it would be appropriate that the authorizing legislation contain funding for the program

I am reducing $100,000 for an Indian consultant because the Federal Government has the primary responsibility for addressing criminal justice matters on federal trust land In addition, the Attorney General's Office has an Indian liaison addressing the specialized legal needs of Indian communities In conjunction with this action, I am deleting Provision 6.

"6. Of the funds appropriated in Schedule (b), $100,000 shall be available to support the development of a report which would define criminal justice problems and needs unique to California Indians living on trust land and would develop specific recommendations on responsibilities and potential remedies. The Indian Justice Ad Hoc Committee, comprising representatives from the Southern California Tribal Chairmen's Association, the California Council of Tribal Government, the Owens Valley Tribal Association, and other appropriate groups, will participate with the Office of Criminal Justice Planning in the selection of consultant services utilized and in providing the direction for the needs assessment."

Item 8100-101-001—For local assistance, Program 50, Local Project Awards, Office of Criminal Justice Planning I reduce this item from $23,046,000 to $16,046,000 by eliminating.

(j) 50.90—Runaway and Homeless Youth Program $6,000,000,

(k) 50 95—Courtroom Renovation for Minors $800,000,

(*l*) 50.96—Family Violence Prevention Program $200,000, and deleting Provision 7

I am eliminating the $200,000 in the Family Violence Prevention Program because I have already expanded funding for family violence prevention activities from $200,000 to $1,700,000 (including $200,000 in the Community Crime Resistance Program).

I am eliminating the $6,000,000 augmentation for the Runaway and Homeless Youth Program because: (1) it would be premature to establish such a program before the State Advisory Group on Runaways completes its study, (2) the detailed needs of the program have not been delineated and the basis for the proposed level of support is unclear, and (3) it would be appropriate that the authorizing legislation contain funding for the program I also am deleting Provision 7 in conjunction with this action as follows.

"7. The amount appropriated in Schedule (j) shall be for transfer to the Runaway and Homeless Youth Account in the General Fund, contingent upon the enactment of legislation during the 1985–86 Regular Session of the Legislature authorizing the Runaway and Homeless Youth Program."

I am eliminating the $800,000 augmentation for the Courtroom Renovation for Minors Program because there are other less costly alternatives for making courtrooms more "friendly" to minors I also believe that it would be appropriate that the authorizing legislation contain funding for the program.

Item 8100-101-483—For local assistance, Office of Criminal Justice Planning. I eliminate this item.

I am eliminating this $6,000,000 item consistent with my action on Item 8100-101-001 related to the Runaway and Homeless Youth Program.

Item 8260-001-001—For support of California Arts Council. I reduce this item from $2,818,000 to $2,340,000 by reducing·

(a) 100000—Personal Services from $1,857,000 to $1,707,000,

(b) 300000—Operating Expenses and Equipment from $1,024,000 to $672,000, and

(c) Amount payable from the Federal Trust Fund (Item 8260-001-890) from −$63,000 to −$39,000,

and deleting Provision 1.

I am eliminating the $478,000 legislative augmentation to administer the $3,504,000 in additional grant money to correspond with my veto in Item 8260-101-001. In addition, I am also deleting Provision 1 because the related augmentation is eliminated

Item 8260-001-890—For support of California Arts Council. I reduce this item from $63,000 to $39,000.

I am eliminating the $24,000 legislative augmentation to administer the $3,504,000 in additional grant money to correspond to my veto in Item 8260-101-001.

Item 8260-101-001—For local assistance, California Arts Council I reduce this item from $12,856,000 to $9,352,000,

and deleting Provisions 2, 3 and 4

I am eliminating the $3,504,000 legislative augmentation for the local assistance, grants and subventions for the California Arts Council The budget provides a 16 percent increase over the 1984–85 fiscal year which I consider to be an adequate funding level.

In addition, I am also deleting Provisions 2, 3, and 4, as follows, because the related augmentation is reduced in its entirety:

"2. Of the amount appropriated in this item, the council shall allocate $25,000 to the Los Angeles Film Exposition (Filmex) for the purpose of providing funding for a Hispanic film series."

"3 Of the amount appropriated in this item, $100,000 shall be used to develop a minority technical assistance network."

"4. Of the amount appropriated in this item, $500,000 shall be used for the Independent Artists portion of the Artists in Residence and Independent Artists program."

Item 8300-001-001—For support of Agricultural Labor Relations Board. I reduce this item from $9,180,000 to $7,980,000 by eliminating:

(e) 40—Compliance Workload $1,200,000, and

deleting Provisions 1, 2, and 3

I am eliminating the $1,200,000 legislative augmentation for the compliance cases backlog because the budget includes $4,192,000 in the General Counsel Program to accomplish the existing workload, including the elimination of the compliance cases backlog. In addition, I am deleting Provisions 2 and 3 to conform to this action

"2. The five-member board shall prepare a report which evaluates the feasibility of contracting-out to an external source all or portions of the work required in compliance cases. The report shall include a plan for pursuing compliance which details both the internal and external resource to be used by the agency for compliance workload The report shall be due to the fiscal committees and to the Joint Legislative Budget Committee no later than September 1, 1985."

"3. No fund shall be encumbered by the five-member board from those provided in schedule (e) until such time as the five-member board has submitted the report specified in Provision (1) to the fiscal committees and the Joint Legislative Budget Committee Any funds encumbered from schedule (e) shall be committed in accordance with the compliance plan by January 1, 1986."

I am also deleting Provision 1, which requires notification of the Joint Legislative Budget Committee prior to granting request for release of confidential materials This language places undue restrictions on the authority of the Executive Branch to release confidential information

"1 Thirty days prior to granting any request for the release of confidential materials related to farmworker complaints or litigation, the General Counsel or the Agricultural Labor Relations Board, whichever party is the recipient of the request, shall notify the Joint Legislative Budget Committee of (1) the nature of the request, (2) the requesting party, and (3) the nature of the material "

Item 8350-001-001—For support of the Department of Industrial Relations I reduce this item from $94,673,000 to $93,375,000 by reducing.

(c) 30—The Preventing, Settling, Adjudicating and Administering Disputes under Workers' Compensation Laws from $43,578,000 to $42,530,000,

(d) 40—The Prevention of Industrial Injuries and Deaths of California Workers from $39,104,000 to $38,854,000,

I am reducing the Department of Industrial Relations' budget by $1,298,000 to eliminate certain augmentations made to the Governor's Budget This reduction includes $1,048,000 and 21 positions for the Workers' Compensation Appeals Board (WCAB) The current budget of $42,530,000 and 782 personnel years provides an adequate level of funding to accomplish the existing workload I am reducing $100,000 for purposes of compliance inspections and monitoring of school asbestos abatement projects. The Department of Industrial Relations can provide the same services within their existing resources of $24,041,000 and 396 3 personnel years I am reducing $150,000 to partially fund four positions in the Department of Health Services These positions were vetoed in the Department of Health Services, Item 4260-001-001 The Department of Health Services has provided evidence that the remaining $36,603,822 and 1,328.3 positions will provide sufficient resources so as not to adversely affect program performance

Item 8350-011-001—For support of the Department of Industrial Relations. I eliminate this item

I am eliminating the $200,000 legislative augmentation, and the related language, to contract for an external consultant's services for an evaluation of the departmentwide automated management information system This evaluation is unnecessary and would cause additional delays toward the implementation of the departmentwide automation plan.

Item 8570-001-001—For support of the Department of Food and Agriculture. I reduce this item from $54,515,000 to $54,014,000 by reducing

(a) 10—Pesticide Regulatory Program from $18,359,000 to $17,959,000,

(b) 20—Plant Pest and Disease Prevention from $23,946,000 to $23,891,000, and

(f) 50—Measurement Standards from $2,165,000 to $2,119,000

I am reducing the Department of Food and Agriculture's budget by $501,000. This reduction includes $400,000 and 4 positions for toxic air contaminant-pesticide activities in the Pesticide Regulatory Program. The budget provides an adequate level of funding for an effective toxic air contaminants-pesticide review in coordination with the workload activities of the Scientific Review Panel and the Air Resources Board. This action conforms to my veto in Item 3400-001-001.

I am eliminating $55,000 for a study of specified pest introductions for which related funding has already been provided.

In addition I am deleting $46,000 for kosher food inspection activities There is legislation regarding this program and funding should be contained in the bill.

Item 8660-001-412—For support of Public Utilities Commission. I change this item by reducing:

(a) 100000—Personal Services from $39,979,000 to $39,713,000,

(b) 300000—Operating Expenses and Equipment from $16,074,000 to $15,710,000,

(g) Amount payable from the Public Utilities Commission Utilities Reimbursement Account from −$32,242,000 to −$31,612,000, and

deleting Provision 5

I am reducing these subitems to conform to a reduction of $630,000 in Item 8660-001-462 which was added in augmentation of the Commission's data processing capabilities with respect to computer models I am also deleting Provision 5, because the veto of this augmentation makes the language unnecessary

"5 Of the amount appropriated in this item, $630,000 budgeted for monitoring utility computer models may be expended no sooner than 30 days after the Department of Finance notifies the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committee of each house which considers appropriations of its approval of funding for this "

Item 8660-001-462—For support of Public Utilities Commission I reduce this item from $32,242,000 to $31,612,000

I am reducing this item by $630,000 and 6 personnel years to eliminate the augmentation which would provide additional staffing for the study and oversight of computer models used by utility companies. Pending legislation, AB 475, would mandate a specific program within the Public Utilities Commission for the oversight, improvement, validation, and verification of computer models used by utility companies. Both the need for that policy change and its requisite funding should be considered together as part of AB 475

Item 8735-001-001—For support of California Tax Reform Study Commission. I eliminate this item.

I am eliminating this $300,000 item because I believe there are sufficient funds available in this budget for the Legislature to use for a study such as this

Item 8820-001-001—For support of Commission on the Status of Women.

While this Budget Act proposes a reduced level of expenditure, I will be requesting separate legislation to restore the Commission on the Status of Women's budget to the level as proposed in my 1985–86 budget

Item 8860-001-001—For support of Department of Finance I change this item by eliminating:

(g) Capital Outlay Cost Estimating $652,000,

(h) Amount payable from the Architecture Revolving Fund (Item 8860-001-602) −$652,000, and

deleting Provisions 7, 8, 9, 10, 11 and 12.

I am eliminating the amount payable from the Architecture Revolving Fund which would have allowed the expenditure of $652,000, in order to prevent the transfer of the Capital Outlay Control Unit from the Department of General Services (Office of the State Architect) to the Department of Finance Although this action has no net funding impact on this item, the $652,000 payable from Item 8860-001-602 has been eliminated. Existing statutes specify that the services provided by the State Architect are to be performed under the general direction of the Department of General Services, and that such services be supported by appropriations received by the Department of General Services. The transfer of this function to the Department of

Finance, therefore, cannot be accomplished. To insure that the Capital Outlay Project estimating process function is performed, I am recommending that the Legislature authorize urgency legislation to re-establish the $652,000 and 14 positions within the Department of General Services.

I am also deleting Provisions 7, 8, 9, 10, 11 and 12.

"7 The funds in category (g) shall be used to establish a Capital Outlay Control Unit in the Department of Finance. None of these funds shall be used for staff of the Office of the State Architect."

"8. The Capital Outlay Control Unit, in consultation with the Office of the State Architect, shall determine which projects the Office of the State Architect will design using in-house professional staff. The selected projects shall be determined based on (1) the State Architect's selection of the projects he or she determines the office can accomplish within the time frames established for the ensuing fiscal year and (2) maintaining the level of professional staff assigned to basic and non-basic architectural and engineering services as specified under Item 1760-001-602 of this act."

"9 The Capital Outlay Control Unit shall negotiate a fee for services with the Office of State Architect for each project assigned to that office The unit shall enter into an interagency agreement with the office which sets forth the project schedule, and the fees for each phase of the project The unit shall make progress payments to the office based on a set percentage completion of each phase of each project Prior to any payment to the office, the Department of Finance shall review and concur in the percentage of project completion used as the basis for payment The interagency agreement and payment schedule for each project shall be similar to contracts entered into with private architectural/engineering consulting firms."

"10 The Capital Outlay Control Unit shall be responsible for contracting with private sector firms to undertake work on the capital outlay projects assigned to the Department of General Services. After establishing the projects to be undertaken by the Office of the State Architect, the unit shall immediately begin the process for selecting private Architectural/Engineering consulting firms to undertake the remaining projects."

"11. The Director of the Department of Finance shall, by March 1, 1986, report to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committee in each house which considers appropriations, on the status of each project under the Capital Outlay Control Unit. The report shall include, for each project, the project status compared to the original schedule, interagency/contractual fees and any cost savings or overruns."

"12. The office of the Legislative Analyst shall provide to the chairperson and vice chairperson of the fiscal committee of each house which considers appropriations a copy of all written questions asked by that office concerning state capital outlay projects."

Item 8860-001-602—For support of Department of Finance. I eliminate this item. I am eliminating this $652,000 item which would have transferred the Capital Outlay Control Unit functions from the Department of General Services to the Department of Finance. This action corresponds to action taken on Item 8860-001-001

Item 9680-101-001—For local assistance, State Mandated Local Programs I reduce this item from $109,842,000 to $105,478,000 by reducing

(xh) Unused Sick Leave Credit from $18,718,000 to $1,000 and eliminating,

(dd) Reimbursement from Department of Education for payment of STRS unused sick leave credit —$11,543,000, and

(ee) Reimbursement from California Community Colleges for payment of STRS unused sick leave credit —$2,810,000

I am reducing this augmentation to $1,000 because I believe that it will imply that the costs of service credit awarded STRS retirants for unused sick leave pursuant to Chapter 89, Statutes of 1974, are reimbursable State mandated costs However, I recognize the need to permanently resolve the issue of support for STRS sick leave

service credit. Therefore, I am retaining Provision 13 in Item 9680-101-001 which states the Legislature's intent to permanently resolve this issue through separate legislation In addition, I am setting aside $18,000,000 to be used, if necessary, to fund the first year cost of the legislation.

Item 9800-001-001—For support of Employee Compensation Increases I reduce this item from $196,550,000 to $185,698,000,
by eliminating

(b) Pay equity adjustments $10,852,000, and
deleting Provision 3

I am eliminating this augmentation for pay equity adjustments related to the comparability of the value of the work, as the issue is a subject of current negotiations which is consistent with State law which specifies that no such adjustments may be made without the agreement of employee unions All salary and benefit increases, including special salary adjustments, must be negotiated and funded within resources available for compensation increases

I am also deleting Provision 3 of this item, relating to pay equity adjustments The criteria set forth in this language, which restricts the use of funds for the subject purposes, are also negotiable

"3 The funds appropriated in Schedule (c) shall be used solely for pay equity adjustments related to the comparability of the value of the work, in accordance with provisions of Section 19827 2 of the Government Code, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, the Assembly Committee on Rules, the Senate Committee on Rules, the Joint Rules Committee, the Joint Legislative Audit Committee, and the Joint Legislative Budget Committee, in augmentation of their respective appropriations or allocations for support or for other purposes, in such amounts as will make sufficient money available for each state officer or employee in the state service, whose compensation, or portion thereof, is chargeable to the General Fund, and each officer or employee of either house of the Legislature or joint committee thereof, to receive any such pay equity adjustments provided on or after January 1, 1986, by the Department of Personnel Administration, or any committee of the Legislature responsible for establishing salaries for officers and employees of the Legislature, as the case may be Appropriated funds are to allocated proportionally (a) to each of the bargaining units representing employees in state civil service based on the number of employees in female-dominated classifications within each of these units, and (b) to the several state offices, departments, boards, bureaus, commissions, and other state agencies for nonrepresented employees based on the number of employees in female-dominated nonrepresented classes of the several state offices, departments, boards, bureaus, commissions, and other state agencies Distribution of any appropriated funds within each bargaining unit shall be determined by memoranda of understanding between the Department of Personnel Administration and the exclusive representatives representing state civil service employees

Bargaining over pay equity adjustments made from these funds shall not commence prior to the implementation of regular 1985–86 employee compensation adjustments Pay equity adjustments shall not be retroactive to any time prior to January 1, 1986.

Funds appropriated for pay equity adjustments related to comparability of the value of the work are to be allocated by executive order of the Department of Finance in accordance with approved memoranda of understanding or, for employees excluded from collective bargaining, in a manner consistent with Section 19827.2 of the Government Code "

I am retaining the $23,390,000 augmentation for general compensation increases which represents a one percent increase to the employee compensation package These additional funds will provide for sufficient resources for salary and benefit increases, including special salary adjustments, of up to 7 5 percent in recognition of our interest to recruit and retain competent and dedicated employees and to achieve necessary management objectives through the collective bargaining process.

Item 9800-001-494—For support of Employee Compensation Increases I reduce this item from $104,526,000 to $98,187,000,
by eliminating
(b) Pay equity adjustments $6,339,000, and
deleting Provision 3.

This augmentation of various special funds for pay inequity adjustments is reduced for the same reasons stated in my action on Item 9800-001-001. Accordingly, I am also deleting Provision 3 of this item, relating to pay equity adjustments

"3. The funds appropriated in Schedule (c) are to be used solely for pay equity adjustments related to the comparability of the value of the work, in accordance with provisions of Section 19827.2 of the Government Code, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations for support or for other purposes, in such amounts as will make sufficient money available for each state officer or employee in the state service, whose compensation, or portion thereof, is chargeable to special funds, to receive any such pay equity adjustments provided on or after January 1, 1986, by the Department of Personnel Administration. Appropriated funds are to be allocated proportionally: (a) to each of the bargaining units representing employees in state civil service based on the number of employees in female-dominated classifications within each of these units, and (b) to the several state offices, departments, boards, bureaus, commissions, and other state agencies for nonrepresented employees based on the number of employees in female-dominated nonrepresented classes of the several state offices, departments, boards, bureaus, commissions, and other state agencies Distribution of any appropriated funds within each bargaining unit shall be determined by memoranda of understanding between the Department of Personnel Administration and the exclusive representatives representing state civil service employees.

Bargaining over pay equity adjustments made from these funds shall not commence prior to the implementation of regular 1985–86 employee compensation adjustments Pay equity adjustments shall not be retroactive to any time prior to January 1, 1986

Funds appropriated for pay equity adjustments related to comparability of the value of work are to be allocated by executive order of the Department of Finance in accordance with approved memoranda of understanding or, for employees excluded from collective bargaining, in a manner consistent with Section 19827.2 of the Government Code"

I am retaining the $13,303,000 augmentation to various special funds which represents a one percent increase to the 6.5 percent employee compensation package I provided for the same reasons stated under Item 9800-001-001

Item 9800-001-988—For support of Employee Compensation Increases I reduce this item from $84,519,000 to $79,326,000 by eliminating
(b) Pay equity adjustments $5,193,000, and
deleting Provision 3

This augmentation of various nongovernmental funds for pay inequity adjustments is reduced for the same reasons stated in my action on Item 9800-001-001 Accordingly, I am also deleting Provision 3 of this item, relating to pay equity adjustments.

"3. The funds appropriated in Schedule (c) are to be used solely for pay equity adjustments related to the comparability of the value of the work, in accordance with provisions of Section 19827.2 of the Government Code, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations for support or for other purposes, in such amounts as will make sufficient money available for each state officer or employee in the state service, whose compensation, or portion thereof, is chargeable to nongovernmental cost funds, to receive any such pay equity adjustments provided on or after January 1, 1986, by the Department of

Personnel Administration. Appropriated funds are to be allocated proportionally: (a) to each of the bargaining units representing employees in state civil service based on the number of employees in female-dominated classifications within each of these units, and (b) to the several state offices, departments, boards, bureaus, commissions, and other state agencies for nonrepresented employees based on the number of employees in female-dominated nonrepresented classes of the several state offices, departments, boards, bureaus, commissions, and other state agencies. Distribution of any appropriated funds within each bargaining unit shall be determined by memoranda of understanding between the Department of Personnel Administration and the exclusive representatives representing state civil service employees Bargaining over pay equity adjustments made from these funds shall not commence prior to the implementation of regular 1985–86 employee compensation adjustments Pay equity adjustments shall not be retroactive to any time prior to January 1, 1986

Funds appropriated for pay equity adjustments related to comparability of the value of the work are to be allocated by executive order of the Department of Finance in accordance with approved memoranda of understanding or, for employees excluded from collective bargaining, in a manner consistent with Section 19827.2 of the Government Code "

I am also retaining the $9,789,000 augmentation to various nongovernmental funds which represents a one percent increase to the 6.5 percent employee compensation package I provided for the same reasons stated under Item 9800-001-001.

SEC 8 50

I am deleting Provisions (d) and (e).

"(d) The director of any department who submits a proposal for applications for federal grant funds to the Director of Finance for prior review shall, at the same time this proposal is submitted, send a copy thereof to the chairperson of the committee in each house which considers appropriations and to the Chairperson of the Joint Legislative Budget Committee."

"(e) On or before October 1, 1985, the director of any department which received federal grant funds in the 1984–85 fiscal year shall submit to the chairperson of the committee in each house which considers appropriations and to the Chairperson of the Joint Legislative Budget Committee a report listing the amount and source of all federal funds received by that department during the 1984–85 fiscal year "

This restrictive control language is inappropriate and unnecessary. It has been the policy and practice of this Administration, through the appearances of its appointees before legislative committees and through the provision of written information upon request, to make available to the Legislature the information to which it is entitled regarding budgetary proposals and expenditures

SEC 11 50—I am revising general control subdivisions.

I am reducing the Energy and Resources Fund transfer in Subdivision (a) and the Capital Outlay Fund for Public Higher Education transfer in Subdivision (b) to conform to my veto actions in this budget

I am deleting Subdivisions (c) and (d) of Section 11.50 to retain the unallocated balances of tidelands oil revenues in the Special Account for Capital Outlay as specified in Section 6217, Subdivision (h), of the Public Resources Code. The effect of this action is to prevent the transfer of tidelands oil revenues to the General Fund. As a general principle, I do not favor diverting special funds to maintain the General Fund

"SEC. 11.50. (a) Notwithstanding any other provisions of law, the allocation to the Energy and Resources Fund made pursuant to subdivision (g) of Section 6217 of the Public Resources Code ~~and subdivision (d) of this section~~ shall be ~~six million one hundred sixty-eight thousand dollars ($6,168,000)~~ *five million six hundred eighty-two thousand dollars ($5,682,000)* for the 1985–86 fiscal year. The Director of Finance may allocate funds among the Energy and Resources Fund. the Energy Account, Energy and Resources Fund, and the Resources Account, Energy and Resources Fund.

(b) Notwithstanding any other provisions of law, the allocation to the Capital Outlay Fund for Public Higher Education made pursuant to subdivision (e) of Section 6217 of the Public Resources Code ~~and subdivision (c) of this section~~ shall be ~~one hundred thirty eight million nine hundred twenty/six thousand dollars ($138,926,000)~~ *one hundred twenty-five million nine hundred ninety-two thousand dollars ($125,992,000)* for the 1985–86 fiscal year

~~(c) Notwithstanding any other provision of law, the allocation to the Special Account for Capital Outlay made pursuant to subdivision (h) of Section 6217 of the Public Resources Code and subdivision (d) of this section shall be one hundred eighteen million seven hundred eighteen thousand dollars ($118,718,000) for the 1985/86 fiscal year.~~

~~(d) Notwithstanding any other provisions of law, the allocations of revenues, following the allocation made pursuant to subdivision (d) of Section 6217 of the Public Resources Code shall, for the next one hundred fifty million dollars ($150,000,000), be distributed, equally each month among the funds designated in subdivisions (a), (b), and (e) of this section and in subdivision (f) of Section 6217 of the Public Resources Code subject to the dollar limitations contained in subdivisions (a), (b), and (e) of this section and subdivision (f) of Section 6217 of the Public Resources Code, Revenues, moneys and remittances received in excess of the one hundred fifty million dollar ($150,000,000) amount shall be allocated to subdivisions (a) and (b) of this section an subdivision (f) of Section 6217 of the Public Resources Code and subdivision (e) of this section in that order, subject to the dollar limitations contained in subdivisions (a), (b), and (e) of this section and subdivision (f) of Section 6217 of the Public Resources Code, with any remaining amounts deposited in the General Funds.~~ "

SEC 24.50—California State University. I eliminate this section

I do not believe a lottery loan program is necessary, simply because the Lottery has not yet been fully implemented Further, this loan program is contrary to statutory law. Since lottery funds are "supplemental", no existing programs will been jeopardized

SEC. 24.70—I eliminate this section

I join with the Legislature as it "acknowledges and supports the basic premises of human dignity and self-determination, recognizing that fundamental freedoms and democratic principles are the cornerstones of individual rights "

I also agree with the Legislature as it "condemns in the strongest terms possible the denial of human rights throughout the world, including the official apartheid policies of the Republic of South Africa These policies, which deny freedom, equality, self-determination, physical security and economic opportunity to black and other nonwhite individuals, are contrary to the fundamental concepts of human rights and liberty cherished in our country and upon which it was founded "

However, I have concluded that the State Budget is not the appropriate instrument in which to express our abhorrence of apartheid and our advice to the fiduciaries of state pension funds. An appropriate instrument for the Legislature would be an official resolution

The budget is a spending plan for the programs and services of state government. It is not a foreign policy document That is the responsibility of Congress and the President. They have the authority to turn up the pressure against the repressive South African regime. I believe it is time they did

The language in the State Budget pertaining to South Africa raises some constitutional questions pertaining to the fiduciary obligations of the governing boards of state retirement funds.

Article XVI, Section 17 of the California Constitution reads in part.

"(a) The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purpose of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system."

"(b) The fiduciary of the public pension or retirement system shall discharge his or her duties with respect to the system solely in the interest of, and for the exclusive

purpose of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of administering the system."

In deleting the budget language pertaining to South Africa, I am also urging the governing boards of all state pension systems to immediately begin a systematic review of their investments, utilizing the standards of good corporate conduct established by the Board Regents of the University of California on June 21, 1985

I believe that approach sends a clear, unmistakable signal to both our policymakers in Washington and more importantly, to the regime in South Africa, that the pace of change away from apartheid is too slow. At the same time, this anti-apartheid message is sent in a manner which is consistent with our legal and moral obligations to those who are depending on the sound investment of their pension funds.

SEC. 24.80—For local assistance, Department of Education I revise this Section to reduce the appropriation from $60,000,000 to $4,000,000.

In the 1984–85 fiscal year, in response to a variety of demands for increased State assistance for child care services, I established the Child Care Task Force to conduct a review of the various demands and to recommend a course of action which would provide the most cost effective services for those with the greatest needs.

The Child Care Task Force conducted a statewide survey and analysis and found that needs for child care vary widely as to type of care desired, and as to the ages of children for which parents seek child care. On this basis, the task force has recommended that local jurisdictions individually assess the availability and needs for child care

In the 1984–85 fiscal year, I signed AB 3138 and SB 1674 to provide an increase of $8.5 million in those child care programs which help the neediest—programs for the handicapped and respite care for children of parents needing temporary assistance My actions also provided for the funding of at least one Resource and Referral Agency in each county, so that parents and child care providers, as well as local jurisdictions, would have a local base of expertise to turn to for assistance in meeting demands for child care services I believe that this base will be of great assistance to local jurisdictions in this effort

The Child Care Task Force also found that additional state assistance in selected child care programs could have an immediate and significant impact on providing for the most urgent child care needs On this basis, I am approving an augmentation of $1.6 million for the School-Age Parenting and Infant Development Program, which will provide a 33 percent increase in State funding to assist high school and junior high school parents complete their educations. I am also approving the augmentation of $2.4 million for the Alternative Payment Program which is one of the most cost effective means of providing additional child care while retaining parental choice in the selection of such services. I will also support the passage of legislation to appropriate an additional $3.6 million for the Alternative Payment Program, which when combined with the augmentation in this act, will provide a total augmentation of $6 million, or 32 percent, in such funding. Finally, I will support legislation to appropriate an additional $1 million in augmentation of the Work Incentive Program to provide child care services for parents participating in job search activities in the WIN program This 33 percent increase is consistent with the goals of my Administration to encourage those that are able to become selfsufficient members of society.

My total proposed increase of $8.6 million will, I believe, provide for our most urgent child care needs.

I revise this section as follows:

"SEC. 24.80 (a) the sum of ~~thirty million dollars ($30,000,000)~~ *four million dollars ($4,000,000)* is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the 1985–86 fiscal year, in addition to, and in augmentation of, the appropriation in Item 6100-196-001 and any other appropriations for the purposes of child care and development services, for expenditure for the purposes of Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code for allocation in accordance with the following schedule:

~~(1) Campus child care and development programs ..... $3,000,000~~
~~(2) Migrant child care and development programs ..... $3,000,000~~
(3) Child care and development programs serving the children of teenage parents, including, but not limited to, school age parenting and infant development programs ..... ~~$3,000,000~~ *$1,600,000*
~~*(4) Respite child care service ..... $3,000,000*~~
(5) Alternative payment programs $2,400,000
~~(6) State preschool program reimbursement rate increases ..... $1,200,000~~
~~(7) State preschool program transportation ..... $300,000~~
~~(8) Intergenerational child care ..... $300,000~~
~~(9) Parent services projects ..... $300,000~~
~~(10) Child development division study of severely handicapped needs $45,000~~
~~(11) All other child care and development programs ..... $13,455,000~~
~~(b) The sum of thirty million dollars ($30,000,000) is hereby appropriated from the General Fund for expenditure for latchkey programs pursuant to the provisions of SB 303 and contingent upon the enactment of SB 303 into law.~~"

SEC. 25.00—I eliminate this section.

This section would appropriate $5,000,000 for a new Academy for the Advancement of Public Policy. My budget includes sufficient resources for the Legislature and the Administration to enable State policy makers to stay informed about public policy issues. To the extent that the proposed activities of the Academy represent an improvement over current means of obtaining information, existing resources could be redirected to those types of activities.

With the above deletions and reductions, I hereby approve Senate Bill No. 150.

The actions I have taken on Senate Bill No. 150 will continue the reserve established in the 1984 Budget Act at the 3.7 percent level and provide funding for budget-related legislation now before me but not fully funded. These measures are:

- Assembly Bill No. 38 dealing with court-ordered and voluntary desegregation costs, ($95,000,000);
- Senate Bills No. 1079 and No. 125 reducing the cost of the solar and energy conservation tax credits ($16,000,000 net change from the Budget Act); and
- Assembly Bill No. 36 and Senate Bill No. 20 providing for a guarantee of a loan in the Western Money Center situation ($63,000,000)

Additionally, these actions will reverse the proposed transfer of Tidelands revenues to the General Fund which I believe is not sound budget policy and reverse the arbitrary increase in revenues based on the unjustified addition of auditors to the Franchise Tax Board.

The actions I have taken on Senate Bill No. 150 will also permit me to set aside sufficient funds to support legislation to address the following priorities and obligations;

- Provision for further funding equalization for school districts ($21,000,000);
- Funds to assist in repairing our streets and roads ($125,000,000);
- Increased efforts to clean up the groundwater in the Stringfellow toxic waste situation ($10,000,000 General Fund and $15,000,000 special funds):
- Additional funds for child care ($4,600,000);
- Addressing the costs to local governments of the mandate for unemployment insurance coverage ($42,000,000);
- Addressing the cost of service credit awarded STRS retirants for unused sick leave ($18,000,000);
- Repayment of money redirected from the emergency telephone account in previous years ($54,300,000);
- Repayment of money redirected from the Off-Highway Vehicle Account in previous years ($14,500,000); and
- Restoration of funding reductions made by the Legislature in the budget of The Commission on the Status of Women ($119,000).

George Deukmejian
June 28, 1985

3 I am deleting the $5 million appropriation contained in Section 3 (d) of Assembly Bill No. 539.

I am concerned that the shortfall in funding for the Los Angeles Community College District (LACCD) may have resulted from their failure to exercise prudent fiscal management Before additional funds are allocated, I believe reforms should be instituted to assure that this shortfall is not repeated

I am willing to support a loan for LACCD if it is accompanied by strong auditing provisions and a permanent incentive for improved fiscal management. As a case in point, I believe that community college students should have the same opportunity as students attending the University of California and CSU to choose the campus which most closely meets the students' needs and interests Further, competition in operational efficiency and in program development among community college districts which would result from granting students this choice can provide incentives for improved management. Therefore, I have requested Senator Bob Beverly to amend his Senate Bill 225 to include an appropriation for a loan to LACCD, because SB 225 includes this necessary reform

With this reform, I would support the proposed LACCD loan

With this deletion, I approve Assembly Bill No 539.

George Deukmejian, Governor

4 I am deleting the $160,000 appropriation contained in Section 4 of Senate Bill No 301

I have deleted the appropriation because the Center for Judicial Education and Research already offers training in handling child witnesses. Any additional training in handling of child abuse victims can be achieved within the framework of the existing budget. I fully support the remaining provisions of the bill.

With this deletion, I approve Senate Bill No 301

GEORGE DEUKMEJIAN, Governor

5 I am reducing the appropriation contained in Section 2 of Assembly Bill No 2543 from $500,000 to $25,000 by deleting the $475,000 appropriation amended in schedule (a) (1) for the operation of six international studies resource centers. This will provide the necessary funding to the Department of Education for organizational costs for this program

The demands placed on budget resources require all of us to set priorities. The budget enacted in July of 1985 appropriated over $28 billion (from the General Fund) to essential services provided by State government as determined by the legislature and this Administration. This represents an 11.5% increase in expenditures over the budget enacted in July of 1984. That increase was for the purpose of funding priority programs while at the same time maintaining our reserve and preserving our fiscal integrity It is imperative that the State of California continues to live within its means

Therefore, while not issuing a final conclusion on the merits the initial appropriation for the centers with this reduction I have determined that it cannot be approved, at this time, if we are to stay on our prescribed course of fiscal responsibility With this reduction, I approve Assembly Bill No 2543

GEORGE DEUKMEJIAN, Governor

6 I am reducing the appropriation contained in Assembly Bill No. 1301 from $20,851,761 to $6,884,761

I am deleting the $13,967,000 appropriation in Schedule (g) to reimburse claims of water districts for costs incurred under Section 60301 to 60355 of Title 22 of the California Administrative Code I believe that those costs, which are attributable to additional treatment of reclaimed water prior to its sale, are more appropriately recoverable from the purchasers of the reclaimed water

With this reduction, I approve Assembly Bill No. 1301

GEORGE DEUKMEJIAN, Governor

7 I am reducing the appropriation contained in Section 5 of Assembly Bill No 723 from $1,000,000 to $500,000 by deleting the $500,000 appropriation from the General Fund.

The $500,000 appropriation remaining from the Environmental License Plate Fund plus existing resources of the Department of Fish and Game will leave sufficient resources to carry out the provisions of this bill

I have asked the Department of Fish and Game to review their 1986–87 Budget proposal to determine if any additional funds will be required at that time

With this reduction, I approve Assembly Bill No 723.

GEORGE DEUKMEJIAN, Governor

8 I am reducing the appropriation contained in Section 6(a) of Assembly Bill No 55 from $30 million to $2,475,000 by eliminating the appropriations contained in Section 6(a) schedule (1) (2) (3) (4) (6) (7) (8) (9) (11) (12) (13) (14) and (15)

I am approving the $2.4 million appropriation in Schedule (5) of Section 6(a) for the alternative payment programs These programs have been found to be the most cost effective means of providing child care while retaining parental choice in the selection of such services This amount when combined with the $1.2 million appropriation contained in AB 2175 which I have approved, and the $2 4 million which I approved in the 1985 Budget Act provide a total augmentation of $6 million, or a 32 percent increase in funding for alternative payment programs

I am also sensitive to the concerns of the parents of severely handicapped children in securing appropriate child care for their children, therefore, I am also approving the $75,000 appropriation contained in Schedule (10) of Section 6(a) of the bill This action will permit a study to determine the need for, and the availability of, such services for these children.

With this reduction, I approve Assembly Bill No. 55

GEORGE DEUKMEJIAN, Governor

9 I am deleting the $50,000 General Fund appropriation contained in Assembly Bill No. 189.

I agree with the restoration of the $40 maximum fee for a community college credential. The Board of Governor's of the California Community Colleges must be able to recover the full costs of credentialing function Reverting to the former $25 maximum fee level would result in a substantial decrease in the level of service and response time

However, the General Fund should not have to pay for the costs of the study regarding the necessity of maintaining the credentialing requirements

With this deletion, I am approving Assembly Bill No 189.

GEORGE DEUKMEJIAN, Governor

10 I am reducing the appropriation contained in Section 1 (a) (3) of Assembly Bill No 2007 for the Department of Forestry from $21,893,000 to $10,893,000. I am approving the $10,893,000 appropriated for the Department of Forestry in order to meet the extraordinary fire suppression costs resulting from severe fires throughout the State

I believe that SB 1473 is the more appropriate bill to provide the $11,000,000 in funding because SB 1473 provides funding for specified costs associated with emergencies declared by the Governor, for which the Department of Forestry qualifies. My action in this bill, combined with my action in SB 1473, will provide full funding for the Department of Forestry's fire suppression costs this fire season

I am also reducing this bill's appropriation by an additional $2,440,000 by eliminating the following appropriations in Section 1.

(a) (1)	To various local agencies	$2,000,000
(a) (2)	To the Anderson Valley Community Service District	$15,000
(b)	To the County of Monterey for the purpose of conducting fishery restoration efforts at Lake San Antonio that will result from erosion and siltation occurring as a result of forest fires this year in the vicinity of the lake	$425,000

I am eliminating these amounts because it is unclear which state agency would be responsible for administrating claims and what costs would be reimbursable. Also, SB 1473 is the more appropriate bill to address the issue of state reimbursement to local agencies for costs resulting from extraordinary fire seasons

With these reductions, I approve Assembly Bill No. 2007.

GEORGE DEUKMEJIAN, Governor

11 This bill extends the 95/5 AFDC-FC program sharing ratio to June 30, 1988. Extending the sharing ratio sunset date will provide the State and counties the opportunity to negotiate a more equitable sharing ratio for all programs in which the State and local government provide a share of the funding This includes the foster care program

Furthermore, in light of more recent data from the Child Welfare Services program, with respect to caseload and program trends, I am supporting an augmentation to this program However, given the fact that the 1985–86 fiscal year is over one-quarter complete and the counties will require some lead time to hire new staff, I am reducing the appropriation contained in the bill from $15 to $5 million. I believe this amount represents a level that can reasonably be expended in the current year However, it is my intention to include full funding of the prior year cost-of-living increases for the Child Welfare Services program in my proposed 1986–87 Budget.

With this reduction, I approve Assembly Bill No. 454.

GEORGE DEUKMEJIAN, Governor

12 I am deleting the $387,700 appropriation contained in Section 4 of Assembly Bill No. 791 for the California State University, Fresno to determine the feasibility of developing and implementing physical, chemical and biological processes for the removal of salts, selenium, and other trace elements from agricultural drain waters in the San Joaquin Valley.

The 1985–86 State budget provides $5,071,000 in additional funding for selenium-related projects.

I believe that this $5,071,000 program represents a comprehensive State response to the selenium problem in California, and that the proposal contained in this bill should be considered during the normal budgetary process when its merits can be fully reviewed. In addition, I believe that California State University, Fresno, is not the appropriate State entity to conduct the program proposed by this bill, since the California State University system is not involved in these kinds of research projects.

With this deletion, I approve Assembly Bill No. 791.

GEORGE DEUKMEJIAN, Governor

13 I am approving Senate Bill No. 1063 but reducing the $26 million appropriation from the Contingency Reserve for Economic Uncertainties Account in the General Fund by $5 million As I stated in language added to the 1985 Budget Act, for many years we have been addressing the problems resulting from the dumping of toxic wastes at the Stringfellow disposal site in Riverside County. It is recognized as one of the top priority toxic waste problems in the United States and will continue to be until the problem is fully corrected The appropriation of $16 million in this bill for Stringfellow represents the latest estimates of what the Department of Health Services can effectively spend during this next year for clean-up and mitigation efforts at the Stringfellow site.

I am reducing the $26 million appropriation by $5 million. I am eliminating the $3.6 million appropriated to the State Water Resources Control Board to accelerate the Underground Storage Tank program. When the underground tank surveillance program was first established, the responsibility for oversight of clean-up activities was to be assumed by local governments The $3.6 million in this bill assumes the State will assume primary responsibility for oversight which is a significant policy change. My staff is currently working with the Legislature and other interested parties to resolve the oversight concerns and therefore I believe it would be premature to provide an appropriation to the board in this area.

I am also eliminating $1 million appropriated to the Department of Health Services to investigate water contamination in the New River located in Imperial County. Because the source of pollution is outside the United States, and solution alternatives will involve the investment of major resources as well as the cooperation and participation of both the Mexican and United States governments it is inappropriate for this State to unilaterally deal with these problems.

With this reduction, I am approving Senate Bill No. 1063

GEORGE DEUKMEJIAN, Governor

14 I am reducing the appropriation in Assembly Bill No 1024 from $117,779,500 to $117,279,500 by deleting the $500,000 appropriation in Section 19 for workshops concerning the California Medi-Cal Reform Act.

While I agree to set aside these funds for the purpose indicated, I believe the workshops are the appropriate responsibility of the Department of Health Services, rather than the California Medical Assistance Commission

With this deletion, I am approving Assembly Bill No 1024

GEORGE DEUKMEJIAN, Governor

15 I am reducing the $1,500,000 appropriation in Section 2 of Assembly Bill No 363 to $500,000 and the $300,000 appropriation contained in Section 3 to $100,000

Both appropriations are available for both 1985–86 and 1986–87 I will review the English as a Second Language needs as I prepare my 1986–87 budget and propose funding necessary to carry out the provisions of this Act

With this reduction, I approve Assembly Bill No 363

GEORGE DEUKMEJIAN, Governor

16 I am eliminating the $296,000 for support of the California Coastal Commission contained in Section 2 1 of Senate Bill 1332 The need for the additional funding contained in this bill has not been substantiated I am approving $344,000 in this bill to provide $14,000 for support of the San Francisco Bay Conservation and Development Commission and $330,000 for local assistance programs and activities which facilitate completion and implementation of local coastal programs

With this reduction, I approve Senate Bill No 1332.

GEORGE DEUKMEJIAN, Governor

17 I am deleting the annual appropriation of $4 million (commencing in the 1986–87 fiscal year) contained in Section 2 of Assembly Bill No 48

State funding for the judicial arbitration program should be reviewed annually to insure that both the legislative and executive branches have an ongoing review of the program and its attendant cost to the State.

With this deletion, I approve Assembly Bill No 48

GEORGE DEUKMEJIAN, Governor

18 I am deleting the $2,200,000 appropriation contained in Section 3 of Senate Bill No. 674

After reviewing this legislation, I have concluded that its merits do not outweigh the need for funding top priority programs and continuing a prudent reserve for economic uncertainties

The demands placed on budget resources require all of us to set priorities The budget enacted in July of 1985 appropriated over $28 billion (from the General Fund) to essential services provided by State government as determined by the Legislature and this Administration This represents an 11.5% increase in expenditures over the budget enacted in July of 1984. That increase was for the purpose of funding priority programs while at the same time maintaining our reserve and preserving our fiscal integrity It is imperative that the State of California continues to live within its means

Therefore, while not issuing a conclusion on the merits of this appropriation, I have determined that it cannot be approved if we are to stay on our prescribed course of fiscal responsibility

With this deletion, I approve Senate Bill No 674, which will authorize the Department of Water Resources to use $400,000 for an alternative bank protection demonstration project in the vicinity of Woodson Bridge on the Sacramento River

GEORGE DEUKMEJIAN, Governor

19 I am deleting the $262,750 General Fund appropriation contained in Section 10 of Senate Bill No 127

I am supportive of this legislation which would ensure that young people are informed of the hazards of drinking or the use of drugs while driving a vehicle However, I am not convinced of the need for the additional funding called for by this bill.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July of 1985 appropriated over $28 billion (from the General Fund) to essential services provided by State government as determined by the Legislature and this Administration This represents an 11 5% increase in expenditures over the budget enacted in July of 1984 That increase was for the purpose of funding priority programs while at the same time maintaining our reserve and preserving our fiscal integrity It is imperative that the State of California continues to live within its means

With this deletion, I approve Senate Bill No 127.

GEORGE DEUKMEJIAN, Governor

20 I am deleting the following appropriations contained in Senate Bill No 1391

$800,000 from the Special Account for Capital Outlay for Sonoma Coast State Beach, Meyer's Ranch acquisition This property does not face near-term development and can be ranked with other acquisitions during a subsequent budget process

$190,000 from the General Fund for augmentation of Item 3790-001-001 of the Budget Act of 1985 for staff support of the California Agricultural Museum in Fresno The Budget Act of 1985 already has provided $60,000 for this purpose

I am also reducing Section 5 (b) of SB 1391 from $20,000,000 to $5,000,000 I support the efforts to preserve Lake Tahoe, however, this amendment was made late in the session (September 12) and we have not had a full opportunity to determine how the entire amount would be spent I will review this proposal during the preparation of my 1986–87 Budget

With these deletions, I approve Senate Bill No 1391

GEORGE DEUKMEJIAN, Governor

21 I am deleting Section 11 7 of Senate Bill No 1264 which contains a $10 million appropriation for additional growth in special education

Despite this reduction, more than $1 2 billion in state and federal funds will be expended for the special education program in 1985–86. Within this total is $32.5 million of new state funding for program expansion, including $10 million for growth in the regular program; $5 million for expansion of the infant program, $3 5 million for incentives for the longer day and year for county offices, $3 5 million for vocational education for handicapped individuals, $5 5 million for increased numbers of instructional aides for severely handicapped pupils, and $5 million for the purchase of specialized equipment for pupils with low incidence disabilities These expansions and improvements of the special education program represent the first year of my three-year plan for improving the quality of special education programs in California

With this deletion, I approve Senate Bill No 1264

GEORGE DEUKMEJIAN, Governor

22 I have approved Senate Bill No. 724 because it will enhance the administration of the Low Income Home Energy Assistance Program (LIHEAP) and provide assistance to the "working" poor

While the bill expresses legislative intent that General Fund monies be appropriated to the Department of Social Services in lieu of the 10 percent transfer from the LIHEAP block grant, I do not necessarily concur with this provision and such an action will be subject to prioritization with all proposed General Fund expenditures

I am deleting the $3.5 million appropriation for the methanol transit buses and a pilot driver education program because these programs are of low priority in relation to other alternative uses of PVEA funding

I am also deleting the $2 million appropriated for the Energy Crisis Intervention Program (ECIP) because these funds would be derived from a transfer from the General Fund which I believe is inappropriate The ECIP program is not eligible for funding under current PVEA program regulations

With these deletion, I approve Senate Bill No 724

GEORGE DEUKMEJIAN, Governor

23 I am reducing the General Fund appropriation contained in Senate Bill No. 121 from $2,336,066.87 to $2,330,066 87 by removing the attorney fees claim for Russell S. Balisok This claim is more appropriately paid from the funds and provisions contained in Item 9810 of the Budget Act of 1985

With this reduction, I approve Senate Bill No 121

GEORGE DEUKMEJIAN, Governor

24 I am reducing the appropriation contained in Section 3 of Senate Bill No. 104 from $1 million to $375,000.

The reduced appropriation provides sufficient funding to the California Conservation Corps (CCC) for 45 additional corps-members, who would accomplish more than 50,000 hours of public service conservation work This reduced appropriation can be properly managed by the Corps within its current administrative capacity

The CCC plays an indispensable role in protecting California natural environment through its work and emergency response in our communities, and I am proud to recognize the Corps significant contribution of service to the State

With this reduction, I approve Senate Bill No 104.

GEORGE DEUKMEJIAN, Governor

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1985

1985–86 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
10	981	98	41	194	689
13	112	99	42	196	982
17	1096	100	361	198	928
19	1607	101	376	199	162
20	1243	104	1119	200	1541
27	1361	105	768	206	1252
28	959	106	314	211	215
29	396	107	1248	212	72
30	467	109	1165	214	936
31	308	114	26	215	983
32	1174	115	541	218	163
33	1097	116	1249	220	459
36	140	117	246	223	1251
38	180	118	14	224	782
41	1244	120	17	225	705
43	392	121	507	227	78
45	798	123	158	231	646
46	155	125	131	232	99
47	546	126	44	238	1164
48	1452	127	159	240	1242
51	156	128	1250	241	1204
52	697	129	1439	248	423
53	40	131	643	250	404
54	838	133	136	252	3
55	1364	135	77	253	126
56	1302	136	841	257	164
57	1159	138	1542	258	825
58	1246	140	1543	260	324
59	935	141	844	263	200
64	25	142	826	265	1135
66	1461	143	247	266	542
68	33	144	1256	268	499
71	1247	147	134	270	644
72	55	149	1017	272	714
73	135	150	362	273	446
74	5	151	1255	275	323
75	1597	158	1203	276	621
77	433	160	160	278	429
78	16	161	377	286	972
82	1383	162	61	287	523
83	503	172	161	288	509
84	1100	177	1237	289	214
85	597	179	926	290	327
86	66	180	10	291	620
87	407	181	230	296	213
88	9	182	845	299	1005
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1316	221
1317	1277
1318	1311
1320	975
1321	976
1322	906
1324	1092
1326	1170
1331	1527
1332	1451
1333	1129
1334	1601
1337	925
1338	1353
1347	117
1349	670
1350	493
1352	1084
1357	1368
1358	1572
1360	566
1379	1312
1380	1571
1386	893
1391	1602
1393	780
1394	1457
1406	1574
1413	1281
1417	243
1418	1568
1420	206
1425	1295
1431	909
1433	1079
1434	84
1438	1567
1440	466
1446	1154
1449	910
1452	927
1457	1588
1458	924
1459	1566
1460	739
1463	51
1464	1090
1465	139
1473	1562
1475	1565

ASSEMBLY CONCURRENT RESOLUTIONS

ACR	Resolution Chapter	ACR	Resolution Chapter	ACR	Resolution Chapter
3	74	27	108	55	119
4	25	28	72	56	32
5	2	30	109	58	120
6	39	33	34	59	121
7	20	34	110	61	122
8	47	35	111	62	123
9	15	36	112	63	42
10	13	40	113	66	36
11	16	41	114	67	124
12	75	43	43	68	40
13	17	44	115	69	125
15	11	45	35	70	37
16	5	46	116	73	126
17	70	47	117	74	127
19	24	48	85	75	128
20	21	49	41	84	129
23	107	50	76	85	130
24	27	51	26		
25	84	54	118		

ASSEMBLY JOINT RESOLUTIONS *

AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
4	131	25	137	52	145
8	49	27	138	54	146
9	77	29	139	57	147
11	22	32	140	58	50
16	132	39	62	63	60
17	133	41	141	64	148
18	44	42	28	66	149
20	134	43	38	70	150
21	135	44	142	73	151
22	136	46	143	75	152
23	71	47	48	76	153
24	12	48	144	77	154

* Resolution Chapter 55 rescinded.

SENATE CONSTITUTIONAL AMENDMENTS

SCA	Resolution Chapter
5	90

SENATE CONCURRENT RESOLUTIONS

SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
2	30	15	10	35	54
3	9	16	94	37	46
4	1	18	23	38	97
6	6	19	66	39	98
7	91	20	65	40	87
8	92	22	67	41	73
9	7	23	95	42	155
10	3	25	102	43	156
11	31	26	96	44	99
12	4	27	14	45	100
13	8	29	18	46	89
14	88	32	33	47	103

SENATE JOINT RESOLUTIONS

SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
1	80	13	86	24	78
2	19	14	82	28	101
3	57	15	61	29	45
4	58	16	83	30	105
6	51	17	64	31	158
7	52	18	59	32	56
9	63	19	68	34	69
10	93	20	157	36	79
11	53	21	29	37	106
12	81	23	104		

BILLS VETOED BY GOVERNOR

1985

ASSEMBLY BILLS

7, 16, 23, 37, 69, 76, 1151, 1172, 1221, 1265, 1282, 1286,
130, 137, 164, 165, 175, 197, 1294, 1295, 1330, 1357, 1358, 1376,
229, 237, 269, 284, 308, 361, 1401, 1411, 1428, 1458, 1495, 1547,
376, 380, 418, 424, 464, 512, 1587, 1589, 1592, 1599, 1647, 1662,
525, 549, 575, 620, 637, 638, 1683, 1687, 1696, 1706, 1711, 1716,
648, 686, 693, 718, 720, 726, 1717, 1731, 1785, 1804, 1837, 1838,
757, 758, 813, 814, 828, 842, 1848, 1852, 1890, 1896, 1929, 1977,
850, 861, 888, 889, 900, 928, 1992, 2018, 2025, 2026, 2085, 2097,
948, 956, 959, 966, 978, 979, 2101, 2135, 2136, 2150, 2151, 2152,
993, 998, 1016, 1022, 1031, 1050, 2255, 2277, 2324, 2374, 2384, 2429,
1073, 1076, 1094, 1134, 1138, 1145, 2438, 2454, 2474, 2479, 2531, 2537.

SENATE BILLS

2, 24, 25, 35, 40, 69, 857, 858, 864, 865, 879, 881,
76, 80, 82, 131, 141, 161, 913, 926, 940, 952, 956, 971,
188, 192, 251, 269, 323, 351, 999, 1027, 1029, 1033, 1049, 1090,
370, 376, 377, 386, 390, 393, 1098, 1113, 1141, 1150, 1151, 1166,
424, 437, 470, 492, 515, 538, 1175, 1183, 1197, 1209, 1210, 1214,
570, 575, 580, 589, 599, 617, 1215, 1232, 1236, 1273, 1303, 1323,
622, 646, 701, 708, 719, 729, 1340, 1355, 1359, 1363, 1372, 1378,
792, 816, 820, 822, 825, 842, 1399, 1400, 1427.