Volume 4

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1987

Constitution of 1879 as Amended

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

1987–88 Regular Session
1987–88 First Extraordinary Session

Compiled by
BION M. GREGORY
Legislative Counsel

CALIFORNIA LEGISLATURE

1987–88 REGULAR SESSION
1987–88 FIRST EXTRAORDINARY SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions Adopted in 1987

and

1979–1987 Statutory Record

VOLUME ONE

DARRYL R. WHITE
Secretary of the Senate

Compiled by
BION M. GREGORY
Legislative Counsel

CONTENTS

VOLUME ONE

Page

Preface iv

Abbreviations v

Effective Dates vi

Statute Digests

Regular Session 3

First Extraordinary Session 571

Resolution Digests

Regular Session 577

First Extraordinary Session 597

Digest Chapters Superior Numbers 599

Cross Reference Tables (Chapter Number of Bills)

Regular Session

Assembly Bills 689

Senate Bills 695

Resolutions 699

Vetoed Bill List 701

First Extraordinary Session

Assembly Bills 705

Senate Bills 705

Resolutions 705

New General Laws, 1979–1987 707

Index 727

VOLUME TWO

Preface iv

Abbreviations v

Effective Dates vi

Statutory Record, 1979–1987 ..... S-5

Resolution Chapters Affecting Those of Prior Years, 1979–1987 ..... S-1180

Superior Footnotes S-1181

PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each concurrent or joint resolution adopted by the Legislature in 1987.

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

Superior numbers following the title refer to a Governor's Message affecting that law. These are printed after the digests in the "Digest Chapters Superior Numbers" section.

Cross Reference Tables

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

New General Laws

Lists new general laws passed in the years 1979–1987 which do not specifically amend, add to, or repeal any existing code or general law.

Index

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

Statutory Record

This edition of the Summary Digest includes a cumulative statutory record for 1979–1987, followed by a list of concurrent resolutions adopted in 1979–1987, which affect concurrent resolutions adopted in prior years. Superior numbers following the *Effect* refer to a special condition affecting that section.

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

0059 0

EFFECTIVE DATES

Regular Session

The 1987–88 Regular Session convened on December 1, 1986, and the interim recess commenced on September 11, 1987. Statutes enacted in 1987, other than those taking immediate effect, will become effective January 1, 1988. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

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

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

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

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

Extraordinary Session

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

The 1987–88 First Extraordinary Session convened on November 9, 1987, and adjourned sine die on November 10, 1987. The 91st day after adjournment is February 9, 1988.

DIGESTS OF STATUTES ENACTED IN 1987

1987–88 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (AB 139) Eastin. City council vacancies. elections.

Under existing law, a city council, with certain exceptions, is required within 30 days from the commencement of a vacancy thereon to call a special election to fill the vacancy. The election is required to be held on the next regularly established election date occurring 90 or more days from the date of calling the special election.

This bill would authorize the City Council of Union City to consolidate elections to fill vacancies on the council in 1986 Candidates at the consolidated election would stand for election to all vacancies on the city council and candidates receiving a plurality of votes would be elected to fill the vacancies.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 2 (AB 155) Chandler. Local elections.

Existing law authorizes the governing board of any school district, or a county board of education, with the approval of the county board of supervisors, to alternatively conduct member elections on the same day in which a primary, municipal, or general election is held in the county, as specified. Existing law requires that the resolution be adopted and submitted to the board of supervisors no later than January 1 of the year preceding the calendar year in which the revised election date is to be operative.

This bill would, instead, require that the resolutions be adopted and submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled election of the district or for the members of the county board of education and would require the board of supervisors within 60 days of submission to approve the resolution unless it makes a prescribed finding

Existing law contains provisions authorizing the consolidation of the governing board elections of elementary, unified, high school, and community college districts with city elections, as specified.

This bill would repeal those provisions.

Existing law authorizes a community college district, by resolution, to require that its trustee general elections be held on the same day as the statewide general election, pursuant to specified procedures.

This bill would also authorize the community college district to require that its trustee general elections be held on the same day as a municipal election.

This bill would also authorize county personnel of the County of Los Angeles and Orange County, as specified, to perform certain electoral functions, either on behalf of the other, pursuant to a consolidated election of governing board members of any school district having territory in both counties.

Existing law provides that a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election, and provides that members whose terms would have expired prior to the adoption of the resolution shall continue in office but the term shall not be extended more than one year.

This bill would define the phrase "one year" for purposes of this provision

Existing law also permits a city council to enact an ordinance requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general election, or on the day of school district elections, rather than on the date specified by statute, but provides that, as the result of the adoption of the ordinance, no term of office shall be increased or decreased by more than 12 months.

This bill would define the phrase "12 months" for purposes of this provision and would declare that definition as a clarifying, nonsubstantive revision.

Existing law provides that if the date of a general municipal election is changed pursuant to the above provisions, at least one election shall be held before the ordinance, as approved by the board of supervisors, may be subsequently repealed or amended

This bill would delete this provision.

This bill would state the intent of the Legislature that certain amendments made by this bill shall not apply to special elections

This bill would declare that it is to take effect immediately as an urgency statute

---

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

Ch. 3 (SB 433) McCorquodale Contempt.

Existing law provides for the power of a court to imprison a person for contempt when the contempt consists of the omission to perform an act which is in the power of the person to perform, such a person may be imprisoned until he or she has performed the act

This bill would provide that if an order of contempt is made affecting county government or its governing body acting pursuant to its constitutional or statutory authority, the execution of any sentence shall be stayed for 30 days, and for any additional period granted by the reviewing court upon the filing of a petition for extraordinary relief to test the lawfulness of the court's order, a violation of which is the basis for the contempt, and if a petition is filed, execution of the contempt order shall, upon denial, be stayed for 5 judicial days after the petition for extraordinary relief is denied.

The changes made by the bill would remain in effect only for 2 years, when they would be repealed.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 4 (SB 3) Deddeh. Civil procedure commercial paper court costs

(1) Existing law, except as specified, creates a cause of action for treble the amount owing but in no case less than $100 or more than $500 plus the costs of mailing the written demand for payment for failure to pay upon a dishonored check, in cash, within 30 days of written demand therefor mailed to the maker by certified mail.

This bill would specifically authorize such a cause of action to be brought in municipal or justice court, but not small claims court, by an assignee of the claim, and would limit the assignee's charges for handling such a claim if the assignee brings the action on behalf of the payee, as specified

(2) Existing law provides that, except as otherwise provided by law, a prevailing party, as specified, is entitled as a matter of right to recover costs in any action or proceeding

Existing law provides that costs or any portion of claimed costs shall be determined by the court in its discretion in accordance with specified provisions of existing law where the prevailing party recovers a judgment that could have been rendered in a court of lesser jurisdiction.

This bill, instead, would provide that the above-described requirements for the determination of costs where the prevailing party recovers a judgment that could have been rendered in a court of lesser jurisdiction shall only be applicable to actions in the superior court. This bill would provide that in municipal or justice court, where a prevailing plaintiff recovers less than the amount prescribed by law as the maximum limitation upon the jurisdiction of the small claims court, the following shall apply: (1) where the party could have brought the action in the small claims court, the court may, in its discretion, allow or deny costs to the prevailing party, or may allow costs in part in any amount as it deems proper, and (2) where the party could not have brought the action in the small claims court, costs and necessary disbursements shall be limited to the actual cost of the filing fee and the actual cost of service of process, subject to specified requirements.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 5 (AB 111) Killea Controlled substances

(1) Existing law requires any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state, or who receives from a source outside of the state, specified substances which may be used in the unlawful manufacture of controlled substances, to report the transaction to the Department of Justice not less than 21 days prior to the delivery of the substance A violation is a misdemeanor, punishable as specified.

Operative April 1, 1987, existing law requires proper identification, as defined, to be obtained from a purchaser and reported prior to a sale and prohibits the knowing submission of false or fictitious reports. A violation is a misdemeanor, punishable as specified.

Operative October 1, 1987, existing law adds ephedrine, pseudoephedrine, norpseudo-

---

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

ephedrine, and phenylpropanolamine to the list of substances subject to reporting, and adds an exemption to the reporting laws with regard to certain sales of proprietary products containing these substances

This bill would accelerate the above provisions which become operative October 1, 1987, making them operative instead on April 1, 1987, and expand the exemption thereunder to apply to the lawful sales, transfer, furnishing, or receipt of over-the-counter drugs containing these substances consistent with federal law.

(2) Under existing law, that will become operative on April 1, 1987, any manufacturer, wholesaler, retailer, or any person who sells, transfers, or otherwise furnishes to any person in this state, or who receives from outside the state, specified substances that may be used in the unlawful manufacture of controlled substances, including, after October 1, 1987, ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine, is required to have a permit from the Department of Justice.

This bill would provide that no permit is required of any manufacturer, wholesaler, retailer, or other person for the lawful sale, transfer, furnishing, or receipt of a drug containing ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine consistent with federal law.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 6 (AB 55) Roos Pooled Money Investment Account loans to special funds.

(1) Existing law authorizes the transfer of money from the General Fund and various special funds and accounts upon specified terms and conditions

This bill would authorize the Pooled Money Investment Board to make loans from the Pooled Money Investment Account to certain special funds for the purpose of carrying out a program or project, and to any special fund for the purpose of carrying out a program or project that is authorized to be financed by issuing bonds, notes, or other evidence of indebtedness where the special fund does not otherwise qualify for a loan The bill would also authorize the board to make a loan from the account to any state agency in order to prepay or replace existing financing when the board determines it is in the state's best interest.

(2) Existing law designates the Treasurer as an elected representative of the state to approve the issuance of bonds, notes, or other evidences of indebtedness, issued by or on behalf of the state, to the extent this approval is required by federal tax law.

The bill would require the Controller to establish and maintain accounts and perform accounting transactions to comply with federal law pertaining to retaining the bondholders' exemption from federal income taxation on interest paid on state bonds. It would require state agencies administering state bond programs to provide the Treasurer with all program and fiscal information necessary to comply with this federal law.

(3) The bill would continuously appropriate from the General Fund amounts required to pay interest on loans made to non-self-liquidating general obligation bond programs

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 7 (SB 61) Craven Dry cleaning

Existing law requires, on and after January 1, 1987, that all dry cleaning plants register with the Bureau of Home Furnishings and maintain a bond or post security in the amount of $5,000. The law authorizes the bureau to waive the filing of the bond or security if it determines that the financial responsibility of any registrant is acceptable in the public interest or if the financial responsibility of a registrant is guaranteed by any 3rd party whose financial responsibility is sufficient and acceptable in the public interest

This bill would delete the authority of the bureau to waive the filing of the bond or security if the bureau determines that the financial responsibility of the registrant is acceptable in the public interest and would require the bureau to waive the filing of the bond or security if the registrant's financial responsibility is guaranteed by a 3rd party who has a net worth of at least $100,000.

The bill would declare that it is to take effect immediately as an urgency statute.

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

Ch 8 (AB 74) N. Waters. Wine marketing

(1) Under existing law, relating to the California Wine Commission and the California Winegrape Growers Commission, which will become effective upon the approval of affected producers and vintners at a referendum held for that purpose, the word "vintner" is defined as a person engaged in producing must, grape juice, grape concentrate, wine, or products thereof, including high proof and brandy, and includes a winegrower, as defined. Existing law also specifies that a producer does not become a vintner solely by the act of field crushing winegrapes before delivering the winegrapes as must to another person

This bill would revise the definition of "vintner" to include a requirement that the person have a winegrower's license issued by the Department of Alcoholic Beverage Control The bill would also delete the specification that a producer does not become a vintner solely by the act of field crushing winegrapes before delivering the winegrapes as must to another person.

The bill would specify that only persons who would be required to pay assessments as vintners or producers may vote in the referendum held to determine whether the above-stated commissions shall become effective.

(2) Under existing law, in determining whether the laws relating to the above-stated commissions shall become operative, the Director of Food and Agriculture is required to conduct referenda among producers and vintners, respectively Referenda may also be conducted for the purpose of terminating the commissions Determinations of whether the referenda are adopted are based upon the percentage of winegrapes acquired by the vintner voting in a particular manner

This bill would specify that, for purposes of the referenda conducted among vintners, the percentages would be calculated by vintners who process winegrapes instead of acquiring winegrapes

(3) Existing law authorizes each of the above-stated commissions to levy an assessment on affected producers and vintners.

This bill would specify what acts of producers and vintners cause the assessments to be levied.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 9 (AB 1394) Tanner. Baldwin Park City Council.

Existing law requires a vote of 3 city council members to enact an ordinance or to enact a resolution or order for the payment of money.

This bill would make an exception until August 1, 1987, for the City of Baldwin Park to allow these measures to be enacted by 2 council members until a 3rd member of the city council has been elected and qualified

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 10 (AB 2657) Bader. Improvement act bonds· refunding San Bernardino County.

Under the Refunding Act of 1984 for 1915 Improvement Act Bonds, the last maturity of refunding bonds may not exceed 24 years from the 2nd day in September next succeeding 12 months after the date of the bonds

This bill would, for refunding bonds issued in the County of San Bernardino, permit the last maturity of those bonds to be the longest maturity currently authorized for bonds by the law pursuant to which the bonds to be refunded were issued

The bill would make applicable to those refunding bonds a provision of the 1915 Improvement Act relating to the obligation of the legislative body to cure deficiencies in the bonds.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 11 (SB 690) Alquist Medi-Cal

Under existing law, the Medi-Cal program is funded by state and federal funding, and provides basic health services for qualified low-income individuals.

This bill would appropriate $215,200,000 from the General Fund to the State Department of Health Services for Medi-Cal costs in the 1986–87 fiscal year.

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

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 12 (AB 547) Jones. California Walnut Commission

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, and various agricultural commissions, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities

This bill would create the California Walnut Commission, with prescribed membership, and prescribe its powers, duties, and responsibilities in carrying out the bill. The commission would be authorized to carry on programs of, and research relating to, handling and marketing walnuts in foreign markets The bill would authorize the commission to levy an assessment on walnut producers, as prescribed, and authorize its expenditure for purposes of carrying out the bill, thereby making an appropriation. Since failure to follow specified recordkeeping requirements and assessment requirements would be a misdemeanor, the 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 a specified reason

Ch. 13 (SB 54) Presley Catfish.

Under existing law, it is 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, black bass, Tilapia, or Corvina pursuant to a permit issued upon application with a fee to cover administrative costs

This bill would add catfish and carp to the exception Since the fees would be deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund, the bill would make an appropriation

The bill would declare that it is to take effect immediately as an urgency statute

Ch 14 (SB 21) Craven Settlement of actions appropriation Department of Justice.

This bill would appropriate $116,000 from specified funds to the Department of Justice to pay the settlements in two specified cases involving the State of California.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 15 (SB 199) Garamendi Lake Don Pedro Community Services District.

Under existing law, community services districts are generally authorized, with specified exceptions, to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed $10 per acre per year for each acre of land, or $10 per year for each parcel of land less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not

This bill would increase that limit, in the Lake Don Pedro Community Services District only, to $60 per year for each acre or $60 per year for a parcel less than an acre The bill would make legislative findings as to the need for a special law

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 16 (AB 268) Eaves Fire protection services

Existing law relating to the funding of police and fire protection services by cities and counties does not expressly define fire protection services, although agencies providing fire protection services are authorized to provide ambulance, first-aid, and rescue services

This bill would provide that for the purposes of San Bernardino County, fire protection services includes, but is not limited to, emergency medical services, as defined

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

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 17 (AB 22) Tucker. Horseracing.

Under existing law, until January 1, 1988, in addition to the amounts required or allowed to be deducted from the parimutuel pools, every racing association, including the California Exposition and State Fair or a county or district agricultural association fair under specified circumstances, that conducts a racing meeting may choose permanently to deduct an additional amount up to 0 33 of 1% from the total parimutuel wagers placed within its inclosure for specified purposes relating to local government.

This bill would delete the January 1, 1988, termination date for these provisions

Ch. 18 (SB 101) Bergeson. Validations

This bill would enact the First Validating Act of 1987, 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 declare that it is to take effect immediately as an urgency statute.

Ch 19 (AB 71) Connelly Records

Existing law authorizes the inspection and copying of patient's records by the patient's attorney or representative in certain instances, and the inspection and copying of records of a witness pursuant to a subpoena duces tecum Existing law generally authorizes the custodian of records or witness to charge a reasonable fee for making the records available, but provides that where the records are produced for inspection or photocopying at the custodian's or witness' place of business, the fee shall not exceed $15.

This bill would provide that where the records are delivered to the attorney or the attorney's representative for inspection or photocopying at the custodian's or witness' place of business, the only fee shall not exceed $15 plus actual costs, if any, charged by a third person for retrieval and return of records held offsite by the third person. This bill would also permit the witness to recover reasonable cost, which is defined by existing law, if the records are retrieved from microfilm

The bill would revise requirements of an affidavit of a custodian or other witness that is required to accompany subpoenaed records

The bill would make related changes

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 20 (SB 56) Beverly. Subpoenas. personal records mortgage loans

Existing law requires a subpoena duces tecum for the production of personal records to be served in sufficient time to allow the witness a reasonable time to locate and produce the records or copies thereof, and requires that a copy of the subpoena duces tecum and of related papers be served upon the consumer whose records are being sought The law defines personal records as, among other things, writings pertaining to a consumer and which are maintained by any "witness" which is a physician, hospital, bank, or others, as specified

This bill would include anyone authorized by this state to make or arrange loans that are secured by real property in the definition of a witness for those purposes

Existing law sets forth provisions that define mortgage bankers as industrial loan companies whose business is limited to making loans to a corporation or partnership secured by a lien on real property. That law imposes various requirements on mortgage bankers, and exempts them from certain requirements applicable to other industrial loan companies

This bill would repeal those provisions.

Ch. 21 (SB 272) Bergeson Local government organization and reorganization

Existing law provides with respect to the proceedings of the local agency formation commission concerning a local agency proposal for organization or reorganization that any change of organization or reorganization may be made subject to any of specified conditions. Two of those conditions are (1) the levying of a benefit assessment or approval by the voters of a special tax, and (2) the continuation of any previously

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

authorized standby or availability charge, benefit, assessment, or special tax by a successor agency

This bill would revise those conditions to permit a local agency formation commission to, instead, impose as conditions (1) the levying of assessments or the approval by the voters of general or special taxes, and (2) the continuation of any previously authorized charge, fee, assessment, or tax by a successor agency.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 22 (SB 133) Presley. Absentee ballots

Existing law requires an absent voter voting by absentee ballot to return the ballot to the official from whom it came by mail or in person, and permits the return of the absentee ballot to any member of a precinct board at any polling place within the jurisdiction.

This bill would state legislative findings and declarations regarding the judicial interpretation of these statutory requirements in the case of Wilks v. Mouton, 42 Cal 3d 400.

This bill would require an absent voter, after marking the absentee ballot, to either (1) return the ballot by mail or in person from the official from whom it came, or (2) return the ballot in person to any member of a precinct board at any polling place within the jurisdiction. It would permit any absent voter who, because of illness or other physical disability, is unable to return the ballot, to designate a member of his or her family, as specified, to return the absentee ballot.

This bill would declare these provisions to be mandatory and would prohibit the counting of any ballot not delivered in compliance therewith.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 23 (AB 123) Farr. Fish· lights to take squid.

Under existing law, the use of artificial lights to lure or attract squid is prohibited in Fish and Game Districts 16 and 17.

This bill would delete District 17 from that prohibition.

The bill would declare legislative findings.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 24 (AB 800) Klehs. Regional park, park and open-space, and open-space districts

Under existing law, all indebtedness incurred on or after July 1, 1982, by regional park, park and open-space, and open-space districts for the acquisition of lands and facilities is required to be repaid within 10 years from the date on which it was incurred.

This bill would instead, with respect to the East Bay Regional Park District only, require the district to repay all that indebtedness incurred for acquisition of lands and facilities designated in the district's master plan, including the Chabot Ridgelands, within 30 years from the date on which it was incurred. The bill would also delete obsolete provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 25 (AB 669) Katz Vehicles. speed limits

Under existing law, no person may drive a vehicle on a highway at a speed greater than 55 miles per hour.

This bill would delete that provision, would establish a 55 miles per hour speed limit but would authorize the Department of Transportation to set a 60 or 65 miles per hour speed limit on interstate freeways, and would make conforming changes.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 26 (AB 195) Cortese. Horseracing.

(1) Under the Horse Racing Law, every association conducting a racing meeting and certain fairs may elect to deduct an additional amount up to 0.33 of 1% from the total parimutuel wagers placed within its inclosure for distribution to the city or county where the meeting is located. A fair in the northern zone which did not conduct horseracing prior to January 1, 1985, is required to make this deduction for distribution to the city

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

or county A city or county receiving the distribution is precluded from levying specified taxes.

This bill would require any county fair, district agricultural association fair, or citrus fruit fair in the northern zone, or in the County of Kern, San Luis Obispo, or Santa Barbara, which conducts satellite wagering, to likewise make this deduction

(2) Under that law, fair racing associations are required to deduct 1% from the total amount handled which is deposited in the Fair and Exposition Fund and is appropriated from that fund to the Director of Food and Agriculture for specified purposes.

This bill would make a technical correction to these provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 27 (AB 574) Hannigan Public contracts. recycled paper.

(1) Under existing law, state agencies are prohibited from entering into contracts of $5,000 or more for the purchase of supplies, equipment, or services from any person who is in violation of specified prohibitions relating to pollution control or subject to a specified cease and desist order.

This bill would revise that prohibition by, instead, designating the dollar amount of a contract subject to the prohibition as the dollar amount of supply, material, or equipment contracts subject to competitive bidding as specified in the Public Contract Code.

(2) Under existing law, when contracting with the Department of General Services for the sale of paper products a contractor is required to attest in a written certification under penalty of perjury, and local and state agencies are required to mandate that a bidder for a contract for the sale of paper products specify, among other things, that the postconsumer waste would have been disposed of at a solid waste disposal site located in California and that secondary waste was the result of a manufacturing process located in California

This bill would delete that requirement.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 28 (SB 123) Garamendi Dispute resolution

Existing law establishes the Dispute Resolution Advisory Council which is required to establish guidelines for dispute resolution programs It authorizes counties to establish programs of grants to public entities and nonprofit corporations for the establishment and continuance of dispute resolution programs, as specified It provides that a fee of not less than $1 and no more than $3 may be included by a county within the total fees collected and fixed by statute for the filing of a first paper in a civil action in the superior court or municipal court, and may be used for the support of these programs. Existing law requires the advisory council, among other things, to analyze the feasibility of the operation of a statewide program of grants at the time the state assumes the responsibility for the funding of trial courts.

This bill would require the adoption of temporary guidelines for dispute resolution programs by the advisory council within 6 months of its initial meeting and make related and clarifying changes with regard to the rules and regulations governing the establishment of dispute resolution programs.

It also would specify that the above-described filing fee increases shall only be used for the support of dispute resolution programs and would authorize the carryover of the moneys received for filing fee increases by a county until such time as it funds such a program.

Further, the bill would authorize the boards of supervisors of certain counties to enter into an agreement for the establishment of a dispute resolution program on a regional basis, as specified.

The bill also would declare that it is to take effect immediately as an urgency statute.

Ch. 29 (SB 740) Mello. Santa Clara County water districts

(1) Under existing law, the Gavilan Water Conservation District in Santa Clara County is organized pursuant to the Water Conservation Law of 1931 and is contained entirely within the boundaries of the Santa Clara Valley Water District, which is organized pursuant to special act of the Legislature.

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

This bill would consolidate the water conservation district into the Santa Clara Valley Water District, as prescribed, unless the voters of the water conservation district petition, as prescribed, the Board of Supervisors of Santa Clara County to call an election in the water conservation district on the issue of whether or not the water conservation district shall be consolidated with the Santa Clara Valley Water District, thereby imposing a state-mandated local program. The bill would prescribe related matters.

The bill would, if the consolidation becomes effective or the voters approve consolidation of the districts, provide for the Gavilan Water Conservation District to be consolidated and merged into the Santa Clara Valley Water District in accordance with prescribed 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

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

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 30 (SB 857) Montoya. Physicians and surgeons.

Existing law provides for the licensure as a physician and surgeon of an applicant who has graduated from a special medical school program and who meets other specified requirements, including, among other things, having one year of clinical contact with patients and achieving a passing score in each subject area of the written examination required for licensure, as specified.

This bill would specify the passing scores for the 2 parts of the examination and would exempt an applicant who has completed 2 years of postgraduate training on or before July 1, 1987, from the year of clinical contact with patients.

Existing law provides that a passing score on the physician and surgeon written examination shall be valid for purposes of qualification for postgraduate training or licensure for a period of 4 years from the date of examination and that the period may be extended on a year-for-year basis for each full year the applicant successfully participates in an approved postgraduate training program.

This bill would instead provide that the passing score shall be valid for 4 years or until January 1, 1992, whichever is later, and would authorize the extension of that period for good cause or for time spent in a postgraduate training program, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 31 (AB 25) Farr. Studies· employment and job training.

(1) Existing law makes the Commission on State Finance and the Employment Development Department responsible for providing specified information regarding federal expenditures. More specifically, existing law requires 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, and to report to the Legislature, the Governor, and a specified working group regarding the study by June 1, 1987. It requires the report to contain various specified information

This bill would instead require the director to report regarding the study by July 1, 1987, rather than June 1, 1987, and would require the report to contain specified information, where feasible, dealing with federal contracts and to outline methods for obtaining this information not now compiled.

This bill would repeal these provisions on January 1, 1989.

(2) The bill would, in addition, reenact and renumber a provision of existing law described above which requires the Commission on State Finance to develop and maintain an economic model capable of estimating the impact of federal expenditures on the state's economy and employment and requires the commission to report to the Legislature and Governor, as specified, regarding the impact of federal expenditures. This reenacted and renumbered provision would take effect on January 1, 1989

(3) The bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 32 (AB 479) Hauser. Conflict of interest Local Agency Self-Insurance Authority· school associations.

(1) Under existing law, officers and employees of local governmental agencies, with certain exceptions, are prohibited from taking specified incompatible outside employment.

This bill would specify that an appointee or employee of a joint powers entity providing insurance pooling, is not precluded, by that alone, from serving as a member of the Board of Directors of the Local Agency Self-Insurance Authority

(2) Existing law authorizes local agencies to enter into a joint insurance pooling agreement for payment of tort liability or public liability losses administered by the Local Agency Self-Insurance Authority.

This bill would authorize associations and consortia of school district governing boards, formed to govern regional or statewide interscholastic athletic programs, to participate in this joint insurance pooling.

(3) This bill would declare that it is to take effect immediately as an urgency statute

Ch 33 (SB 94) Craven Mobilehomes tenant meetings

Under existing law, the management of a mobilehome park is required to permit meetings by homeowners or residents of a mobilehome in the park relating to mobilehome living or social or educational purposes to be held in any of the park community or recreation halls, as specified.

This bill would provide that the permitted meetings shall include forums for or speeches of public officials or candidates for public office.

Ch 34 (SB 75) Presley Schools emergency apportionments.

(1) Under existing law, a governing board of a school district that determines that its revenues are less than the amount necessary to meet its current year expenditure obligations may request an emergency apportionment through the Superintendent of Public Instruction, subject to specified requirements Existing law specifies the intent of the Legislature that no emergency apportionment occur unless funds are specifically appropriated therefor by the Legislature

This bill would appropriate $500,000 to the State School Fund for emergency apportionment, as specified, to the Val Verde Elementary School District for its expenditure obligations through the 1986–87 fiscal year if the district's repayment plan is approved by the Superintendent of Public Instruction The bill would appropriate $3,900,000 to the State School Fund for emergency apportionment, as specified, to the West Covina Unified School District for its expenditure obligations through the 1986–87 fiscal year

This bill would require, as a condition of receiving this emergency apportionment, that these school districts comply with specified reporting and other requirements and comply with the terms of a financial plan approved by the Superintendent of Public Instruction. This bill would impose a state-mandated local program by requiring the county superintendent of schools for the county in which the district is situated to meet certain reporting and assistance requirements that may be imposed by the Superintendent of Public Instruction until the emergency apportionment is repaid, including interest

(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 declare that it is to take effect immediately as an urgency statute.

Ch. 35 (SB 146) Robbins. Department of Commerce· motion picture industry.

(1) Under the Motion Picture, Television, Commercial Industries Act of 1984, the Motion Picture Council is an independent unit of state government with 21 members, but within the Department of Commerce for the purposes of administrative support and budgetary submittal. The council has an executive director, exempt from civil service, nominated by the council and appointed by the Governor

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

Under existing law, the council is required to exercise specified powers to encourage motion picture and television filming in California and make recommendations to the Legislature, the Governor, the California Film Office, and state agencies

Under existing law, there is within the department, the California Film Office which is required to implement a program, coordinated with the council, to promote the production of motion picture and still photography for the benefit of the state's economy

This bill would rename the council the California Film Commission, increase the membership to 25 by including the Director of Transportation, the Director of Parks and Recreation, the Commissioner of the California Highway Patrol, and the director of the commission, all of whom would serve as ex officio nonvoting members, and place the commission within the department. The bill would require the Governor to appoint, from a list of candidates recommended by the commission, a director of the commission, who would serve under the direction and at the pleasure of the Director of Commerce and as an assistant director of the department, and whose salary would be determined by the Department of Personnel Administration.

The bill would transfer all duties, responsibilities, purposes, and jurisdiction of the council to the commission and would transfer all positions, civil service and exempt, of the council to the commission under the supervision of the director. The bill would give possession and control of all unexpended funds, moneys and appropriations for use and administration by the council and all equipment, supplies, records, papers, contracts, and other documents held for the benefit of, or use by the council, to the department.

The bill would place all duties, responsibilities, and purposes of the California Film Office in the commission and the director of the commission and require that the positions of director and deputy director of the office become the director and deputy director positions, respectively, of the commission with the director position to be filled by gubernatorial appointment, as specified All officers of the office would retain their positions in the department.

The bill would give possession and control of all unexpended funds, moneys, and appropriations for use and administration by the office and all equipment, supplies, records, papers, contracts, and other documents held for the benefit of, or use by the office, to the Department of Commerce

The bill would declare that it is the intent of the Legislature by enacting this bill to change the names of the Motion Picture Council and the California Film Office to the California Film Commission, and that the intent is to make a change in name only, without any other changes and not to create or abolish any office or change the salary, term, or duties of any office or council member

The bill would make conforming changes

(2) Under existing law, the work of the department is divided into specified offices.

This bill would include among those offices the Office of Marketing and Communications.

(3) The Budget Act of 1986 appropriates funds for the support of the Department of Commerce, exclusive of the Motion Picture Council, in 54 items.

This bill would make an appropriation by repealing 53 of these items, consolidating the appropriations for the department into one item, and repealing a restriction on the expenditure of funds appropriated in that item.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 36 (AB 1213) Bronzan Mental health: homeless.

Under existing law, the Director of Mental Health is required 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.

This bill would authorize funds appropriated for these purposes to be spent by local mental health programs, with the director's approval, for the acquisitions or rehabilitation of housing units for homeless mentally disabled persons. The bill would also authorize these housing units to be created for new emergency shelters when part of the housing services include transitional and long-term low-income housing for these per-

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

sons The bill would reappropriate and require the director to transfer, pursuant to an interagency agreement, to the Department of Housing and Community Development certain unexpended or unencumbered funds for homeless mentally disabled to be administered in accordance with that department's Special Users Housing Rehabilitation or Emergency Shelter programs to provide low-income transitional and long-term housing for homeless mentally disabled persons.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 37 (AB 177) Calderon. Loans.

Existing law provides for the licensure of various financial brokers and lenders by the Commissioner of Corporations

This bill would increase the fee chargeable by an industrial loan company, personal property broker or broker, and a consumer finance lender or broker for return by a depository institution of a dishonored check, negotiable order of withdrawal, or share draft from $5 to $10

It also would authorize personal property brokers, consumer finance lenders and brokers, and commercial finance lenders to sell promissory notes evidencing the obligation to repay loans purchased from and made by any of those licensees to institutional investors. It also would require payments from the collection of payments with regard to those notes and promissory notes evidencing the obligation to repay loans made by that licensee to an institutional investor to be deposited and maintained in a trust account, except as specified

Ch 38 (AB 293) Cortese Sales and use taxes: business taxes

Under the existing Sales and Use Tax Law, the State Board of Equalization is authorized by notice of levy to require all persons having in their possession, or under their control, any credits or other personal property belonging to a retailer or other person liable for any amount under that law to withhold from those credits or other personal property the amount of any tax, interest, or penalties due from that retailer or other person, or the amount of any liability incurred by them under that law, and to transmit the amount withheld to the board at such times as it may designate.

This bill would provide that the notice of levy shall have the same effect as a levy pursuant to a writ of execution.

Under the existing Sales and Use Tax Law, any time within 3 years from the time any tax, penalty, or interest is due and unpaid, the State Board of Equalization may file a certificate with the clerk of any county, requesting a judgment against the taxpayer.

This bill would extend the period of time in which a certificate must be filed from within 3 years to 10 years.

The existing Sales and Use Tax Law provides that upon termination, dissolution, or abandonment of a corporate business, any officer or other person, as specified, shall be personally liable for sales and use taxes unpaid during a specified period of time, plus interest and penalties thereon, if that officer or other person willfully fails to pay or to cause to be paid, as those terms are defined, any sales and use taxes due from the corporation, and the State Board of Equalization establishes certain facts

This bill would additionally impose personal liability if the State Board of Equalization can establish that the corporation has included use tax on the billing and collected the use tax or has issued a receipt for the use tax and failed to report and pay use tax

The existing Sales and Use Tax Law requires every claim for refund to be in writing and to state the specific grounds upon which the claim is founded

This bill would require a claim filed for or on behalf of a class of taxpayers to be accompanied by written authorization from each taxpayer sought to be included in the class, to be signed by each taxpayer or taxpayer's authorized representative, and to state the specific grounds on which the claim is founded.

Under the existing Motor Vehicle Fuel License Tax Law, a penalty is added to the license tax due for failure to make a timely payment It allows the penalty to be waived when failure to file a timely return or make a timely payment is due to a reasonable cause or to circumstances beyond a person's control

This bill would extend that relief from penalty under the same circumstances for

---

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

failure to make a timely prepayment.

Under the existing Use Fuel Tax Law, in lieu of the per unit tax on liquified petroleum gas and natural gas, an annual flat rate fuel tax may be paid for a calendar year, or portion thereof, as specified

This bill, instead of having the annual tax paid on a calendar year basis, would make the annual tax for that period from the end of the month in which the tax was paid to the end of the month prior in the following calendar year.

Under the existing Emergency Telephone Users Surcharge Act, the service supplier is required to maintain for 3 years, as specified, any records which may be necessary to determine the amount of surcharge collected.

This bill would instead require those records to be maintained for 4 years.

Existing law provides that if a transaction entered into prior to the effective date of Chapter 825 of the Statutes of 1986 has been treated by the lessor as a lease, the full term of which has not expired or been earlier terminated, then that transaction shall be classified as a sale under a security agreement occurring in the 1st calendar quarter commencing more than 90 days after the effective date of Chapter 825 of the Statutes of 1986, and shall be classified as a lease for all earlier periods It also provides that any use tax previously paid on a transaction described in the preceding sentence shall be credited against any sales or use tax due.

This bill would make various technical changes to that law, and would specify that those changes do not constitute a change in, but are declaratory of, existing law

This bill would make other technical changes to related state tax laws.

Ch 39 (AB 826) Bronzan Apple maggot

Under the California Environmental Quality Act, the Secretary of the Resources Agency is authorized until January 1, 1988, to certify a plant or animal pest pesticide eradication regulatory program of a state agency acting under specified provisions of the Food and Agricultural Code for submission in lieu of an environmental impact report for a project.

This bill would exempt activities undertaken by the Director of Food and Agriculture during the 1987 and 1988 growing seasons for the apple maggot project from the environmental impact report requirements of the act. This exemption would be repealed on January 1, 1989.

The bill would require the director, upon the effective date of the bill, to prepare, or cause to be prepared, an environmental impact report for the apple maggot project, and would require certification of the completion of the report prior to undertaking any activities to continue the project during the 1989 growing season and subsequent growing seasons.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 40 (SB 474) Beverly. Property: fraudulent transfers.

(1) Chapter 383 of the Statutes of 1986 repealed the Uniform Fraudulent Conveyance Act and enacted, in its place, the Uniform Fraudulent Transfer Act.

This bill would add a provision to the Uniform Fraudulent Transfer Act stating that the Uniform Fraudulent Transfer Act and other changes in the law enacted by Chapter 383 of the Statutes of 1986 apply only to transfers made or obligations incurred on or after January 1, 1987, and that the act shall be construed as a restatement and continuation of prior law to the extent it is substantially the same. The bill would also make conforming changes in other provisions of existing law.

(2) Under existing law, a transfer of personal property by a person in possession of the property, not accompanied by an immediate delivery followed by an actual and continued change of possession, is void as against creditors of the transferor, which include assignees and trustees, at the time of the transfer.

This bill would revise the definition of "creditor" for purposes of this provision and would specify the extent of the rights and remedies of assignees and trustees.

(3) Under existing law, relating to execution liens, an exception applies to the aquisition of property acquired without knowledge of such a lien for "fair consideration," as that term is defined in provisions which were repealed by Chapter 383 of the Statutes

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

of 1986.

This bill would amend that exception relating to execution liens to refer instead to property acquired without knowledge of such a lien for reasonably equivalent value, and would define the term "value" for those purposes.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 41 (AB 46) Tanner. Hazardous waste management.

Existing law requires the State Department of Health Services to provide direction and technical data to counties and regional councils of governments on the management of hazardous wastes and to prepare and transmit to the counties and regional councils guidelines for the preparation and adoption of county and regional hazardous waste management plans.

Under existing law, there is, in the Hazardous Waste Control Account in the General Fund the Hazardous Waste Management Planning Subaccount, and the department is authorized to expend the money in the subaccount, upon appropriation by the Legislature, for the purpose of paying for the costs of the department in administering that program, and for providing grants to councils of governments, counties, and cities in preparing those plans The department is required to disburse $4,000,000 from the subaccount to counties on July 1, 1987, and $3,000,000 on or before January 1, 1988, and July 1, 1988, in accordance with a formula based upon the amount of the hazardous waste generated by the county. The department is authorized to reserve $175,000 for administrative costs and additional allocations. These provisions are repealed as of January 1, 1989.

This bill would require the department to allocate $5,000,000 as soon as possible on or after April 1, 1987, to counties in accordance with the amount of hazardous waste shipped offsite by hazardous waste generators within the county and would revise the allocation formula for counties and for councils of governments The bill would require the department to disburse specified amounts as soon as possible on or after April 1, 1987, to certain councils of governments if the council of government prepares a regional hazardous management plan. The bill would also require the department to disburse $1,750,000 on or before January 1, 1988, and July 1, 1988, from the subaccount, based upon the amount of waste produced in each county and the need for additional funding to complete the county's hazardous waste management plan. The bill would prohibit the department from expending more than $1,500,000 in the subaccount for administrative costs

The department would be required to submit a schedule of goals and target dates to the Legislature by October 1, 1987, for carrying out these provisions.

The bill would extend the date of repeal of the provisions to June 30, 1990

The bill would appropriate $7,075,000 to the department, $325,000 of which would be available for expenditure during the 1986–87 fiscal year for administrative expenses, and $6,750,000 for disbursing as grants to counties and councils of government

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 42 (AB 107) N. Waters. Agriculture· nursery stock.

Existing law provides for the licensing of persons who sell nursery stock and provides that specified nurseries and florists are exempt from those requirements.

This bill would provide that cut Christmas tree sellers would also be exempt from the license requirements

Ch. 43 (AB 173) N. Waters. Dairy products: light dairy dessert

(1) Existing law, until January 1, 1988, prescribes the content requirements for light dairy desserts.

This bill would extend that date to January 1, 1990, thereby imposing a state-mandated local program since a violation of those requirements, under other provisions of law, would be 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.

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

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

Ch 44 (SB 236) Robbins. Off-highway vehicles.

(1) Under existing law, generally a motor vehicle may not be driven upon a highway unless it is registered However, off-highway motor vehicles issued an identification plate or device may cross highways under specified conditions.

This bill would revise those provisions without substantive change

(2) Under existing law, local agencies and the Department of Parks and Recreation may designate portions of highways under their jurisdiction for use by off-highway vehicles without subjecting the vehicle to registration requirements, as specified.

This bill would extend that authority to an agency of the federal government.

Ch 45 (AB 94) Hughes Education.

Existing law authorizes separate allocation entitlements to school districts for various purposes.

Existing law, contained in the Budget Act of 1986, also provides, among other things, that after sufficient funds have been allocated to comply with specified statutory provisions relating to apportionments of state aid to community college districts, a specified amount shall be allocated to community college districts most in need of revenue adjustments due to declining average daily attendance in the 1984–85 and 1985–86 fiscal years

This bill would appropriate $71,533,500 for allocation in the 1986–87 fiscal year, $53,362,500 of which would be allocated to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to school districts on the basis of 50% of the apportionments received from funds appropriated in the prior fiscal year for Urban Impact Aid, Small School District Transportation Aid, and Meade Aid plus 1%, as specified, and $18,171,000 in augmentation of a specified item in the Budget Act of 1986 for community college districts that are most in need of revenue adjustments due to declining average daily attendance in the 1984–85 and 1985–86 fiscal years. The bill would state the intent of the Legislature that specified amounts of this appropriation are available from specified sources

This bill would specify that $25,000,000 is to be transferred from the Special Account for Capital Outlay and $5,921,000 is to be reappropriated from the unexpended balance of Chapter 180 of the Statutes of 1985 to the General Fund for the purpose of funding the appropriation made by this act

This bill would declare the intent of the Legislature that $30,949,000 of the amount appropriated is made available to school districts maintaining kindergarten and grades 1 to 12, inclusive, and community college districts for the 1986–87 fiscal year from the savings which would be achieved due to reduced contributions by school districts and community college districts according to a specified formula. By requiring the county superintendent of schools to implement this reduction this bill would impose a state-mandated local program.

The bill would require the Chancellor of the California Community College System to make a permanent reduction to the base revenues per unit of average daily attendance of each community college district equal to $2,931,000.

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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

The bill would provide that it makes an appropriation for the usual current expenditures of the state and shall take effect immediately

---

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

Ch. 46 (AB 392) Vasconcellos Budget Act of 1986: augmentation: contingencies or emergencies. [1]

(1) The Budget Act of 1986 appropriated $4,500,000 in equal amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance. The Budget Act of 1986 also appropriated $2,500,000 from the General Fund for loans to state agencies, as specified.

This bill would appropriate $392,924,000, as scheduled, in augmentation of those budget appropriations.

The bill would authorize the Director of Finance to withhold authorization for the expenditure of funds so provided until preliminary estimates of potential deficiencies are verified

(2) The Budget Act of 1986 appropriated $80,135,000 for reimbursement of school districts for specified desegregation programs.

This bill would require the Controller to revert $3,617,000 of the unencumbered balance of that appropriation to the unappropriated surplus of the General Fund.

(3) The bill would declare that it is to take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

Ch. 47 (SB 405) Nielsen. Postsecondary education.

Existing law establishes the Commission for the Review of the Master Plan for Higher Education and specifies the duties of the commission. Under existing law, this provision becomes inoperative on June 30, 1987, and will be repealed as of January 1, 1988.

This bill would change the date that this provision becomes inoperative from June 30, 1987, to December 31, 1987.

This bill would appropriate $175,000 from the General Fund to the Controller for allocation to the Commission for the Review of the Master Plan for Higher Education for all expenses deemed necessary by the commission for the 1987–88 fiscal year.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 48 (AB 47) Hannigan Property taxation: change in ownership.

Existing provisions of the California Constitution, with certain exceptions, place a limitation on ad valorem taxes on real property of 1% of the full cash value of that property For purposes of this limitation, 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 that real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment Existing provisions of the California Constitution adopted by the voters at the November 4, 1986, general election provide that, for purposes of the above provisions, "purchased" and "change in ownership" shall not include the purchase or transfer of the principal residence of the transferor in the case of a purchase or transfer between parents and their children, as defined by the Legislature, and the purchase or transfer of the first $1,000,000 of full cash value of all other real property between parents and their children, as defined by the Legislature.

This bill would implement these newly adopted constitutional provisions. This bill would provide that the $1,000,000 exclusion for purchases or transfers of all real property, other than the transferor's principal residence, applies separately to each transferor, but would permit the combining of these exclusion amounts at the election of 2 or more transferors acting jointly, with respect to purchases or transfers from those transferors. It would require the transferee to file a claim with the assessor for any exclusion sought and to furnish the assessor with specified information as a condition of receiving the authorized exclusions. It would impose a state-mandated local program by requiring assessors to report quarterly to the State Board of Equalization specified information relating to purchases or transfers, other than those involving a principal residence, for which the exclusions are claimed. It would define various terms relevant to the application of the exclusions. It would provide that the exclusions are applicable to purchases or transfers of real property completed on or after November 6, 1986.

This bill would declare the Legislature's intent that the bill's provisions be liberally

---

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

construed to carry out the intent of the constitutional provisions through the application of the step-transaction doctrine.

The California Constitution requires 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 make a legislative finding that the act mandates a new program or higher level of service on local government, as specified, and would provide that reimbursement of local agencies and school districts for those state-mandated costs be made pursuant to the existing statutory procedures for reimbursement.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 49 (AB 324) Moore Electronic commerce: commercial transactions.

Existing law, the Electronic Commerce Act of 1984, requires any person who contracts with consumers for an electronic commercial service to provide the consumer with specified information. The act exempts specific transactions arising from the purchase of goods or services conducted through an electronic commercial service from these information disclosure requirements.

This bill would define "goods or services" as meaning tangible items or physical services, or tickets or vouchers for the items or services, but as not including computerized data delivered by a computer terminal or in printed form

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 50 (AB 415) McClintock. Administrative hearings. locations.

Under existing law, state agencies, as defined, in consultation with the Office of Administrative Hearings, are required to determine the time and place of an adjudicatory hearing Existing law requires that the hearing be held in San Francisco if the transaction occurred or the respondent resides within the First Appellate District.

This bill would also require the hearing to be held in San Francisco if the transaction occurred or the respondent resides within the Sixth Appellate District.

Ch 51 (AB 940) Zeltner. Public Employees' Retirement System: statutory maintenance

Existing law confers on the Board of Administration of the Public Employees' Retirement System administrative control over the Public Employees' Retirement Law (PERL), the statutes relating to Social Security coverage of public employees, and the Public Employees' Medical and Hospital Care Act (PEMHCA).

This bill would make corrective, technical, updating, and federal conformance changes in those statutes.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 52 (AB 1000) Peace. Low-level radioactive waste disposal: compact

(1) Under the federal Low-Level Radioactive Waste Policy Amendments Act of 1985, states are authorized to enter into interstate compacts to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste

Existing law also requires the Governor to enter into an agreement or compact with other states, or into an agreement with compacts, for the purpose of establishing or maintaining access to land disposal facilities, and specifies that the agreement or compact may include a provision concerning the reciprocal access to California permanent disposal facilities by the other parties to the agreement or compact. Existing law requires the ratification by statute by the Legislature of any agreement that proposes membership for California in a compact made pursuant to the federal act, or any agreement that includes a reciprocal access provision.

This bill would enact and ratify the Southwestern Low-Level Radioactive Waste Disposal Compact, which would become effective when the legislatures of the State of California and at least one other eligible state enact this compact, as specified, and the compact is ratified by Congress.

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

The compact would provide that the States of California, Arizona, North Dakota, and South Dakota are eligible to become parties to the compact and that any other states may be made eligible, as specified.

The compact would provide for the establishment of a Southwestern Low-Level Radioactive Waste Commission and would specify the commission's powers and duties The compact would require California to serve as the host state for siting and developing a regional low-level radioactive waste disposal facility for at least 30 years after the date when the facility begins accepting low-level radioactive waste Each state party to the compact would be required to develop procedures and take specified actions concerning violations of low-level radioactive waste transportation regulations The bill would create a new crime by making unlawful the disposal of low-level radioactive waste, except as specified, thereby imposing a state-mandated local program

The compact would provide that only low-level radioactive waste, as defined, generated within the region may be disposed of at a regional disposal facility, except as specified.

The bill would require the State Department of Health Services to adopt regulations specifying the modes of transportation required to be used by generators to transport low-level radioactive waste, thereby imposing a state-mandated local program, as a violation of these regulations would be a misdemeanor pursuant to other provisions of 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.

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

Ch. 53 (AB 201) Harris. Public administrators

(1) Existing law requires the public administrator to take charge of and administer decedents' estates for which no executor or administrator has been appointed, under specified conditions. Under existing law, a public administrator may apply to the superior court for authorization for summary disposition of an estate not exceeding $20,000, excluding the decedent's motor vehicles However, under existing law, no application to the court is necessary for estates not over $3,000 Existing law does not authorize the public administrator to sell real property in these proceedings for summary disposition.

This bill would make the eligibility criteria for summary administration of a decedent's estate also applicable to determine estates which may be subject to court-ordered summary disposition by the public administrator. The bill would allow summary disposition by the public administrator without court authorization of estates not exceeding $10,000 The bill would also authorize the public administrator to sell real property in summary proceedings. The bill would make clarifying changes in existing law relating to public administrators.

(2) Under existing law, the public administrator is entitled to a reasonable fee of from $25 to $500, where the public administrator takes charge of an estate, but another person is later appointed as executor or administrator.

This bill would delete the dollar limitations on this fee.

(3) Under existing law, the public administrator may pay the decedent's burial expenses from the proceeds of an estate for which summary disposition is authorized by the court.

This bill would instead authorize the public administrator to use these proceeds to pay for disposition of the decedent's remains.

(4) Under existing law, the public administrator is required to file with the court vouchers for all expenditures made in the summary administration of an estate.

This bill would instead require the filing with the court of receipts for any disposition of estate property or proceeds thereof.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 54 (AB 731) Lancaster. Financial institutions· redlining.

Existing provisions of the Holden Act prohibit certain financial institutions from discriminating in the provision of financing for housing due to geographical considerations, a practice commonly known as "redlining," unless required in a particular case to avoid an unsafe or unsound business practice. The act also prohibits discrimination in the provision of financing by financial institutions on the basis of race, color, religion, sex, marital status, national origin, or ancestry, and prohibits utilizing related considerations in performing appraisals of housing accommodations for that purpose However, existing law specifies that the Holden Act does not prohibit a financial institution from considering the fair market value of property that will secure a loan

This bill would revise the definition of "fair market value" for purposes of the Holden Act and would provide that financial institutions using the bill's definition in an appraisal on or after July 1, 1986, do not thereby violate the Holden Act.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 55 (AB 744) Chacon. Mobilehomes

Existing law, the Mobilehome Residency Law, regulates various aspects of mobilehome park tenancies

This bill would revise a provision of existing law prohibiting the cure of a default on the basis of nonpayment of rent, utility charges, or incidental service charges, as specified, more than twice during the term of a tenancy, to instead prohibit the cure of such a default more than twice during a 12-month period.

Ch. 56 (AB 1919) 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 those statutes which 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 1987 and would not make any substantive change in the law.

Ch 57 (AB 1174) Harris. Family law. child support.

Existing provisions of the Family Law Act relating to the obtaining of an expedited child support order and the simplified procedure for modification of child support awards, require the submission of state tax returns in connection with the establishment of parental income

This bill would also require the submission of federal tax returns in those procedures

Ch 58 (AB 1493) Peace. County contracts.

Existing law provides that a county board of supervisors may, by a ⅘ vote, enter into leases, or concession or managerial contracts involving leasing or subleasing all or any part of county-owned, leased, or managed property devoted to or held for use for various specified purposes without complying with competitive bidding and other specified requirements.

This bill would permit a county board of supervisors, by a ⅘ vote of the board, to sell or lease all or any part of county-owned property without compliance with laws relating to sales and leases of county property if the county repurchases or leases back the property as part of the same transaction.

Ch 59 (AB 2663) Farr Water district elections· mailed ballots.

Under existing law, before a public agency may enter into a contract with the State Water Resources Control Board for a loan for wastewater facilities under the Porter-Cologne Water Quality Control Act, it is required to hold an election within the agency on the proposition

The bill would permit the San Lorenzo Valley Water District to conduct an election for that purpose wholly by mail.

The bill would declare that it is to take effect immediately as an urgency statute

---

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

Ch. 60 (SB 248) Montoya. Public utilities: municipally owned· sale.

Existing law permits any municipal corporation to sell and dispose of any public utility owned by it, by resolution adopted by ⅔ of the members of its governing body submitting the question to the voters of the municipal corporation at an election and after approval by ⅔ of the voters voting in that election.

Existing law also generally permits a city to dispose of city-owned property, upon the adoption of a resolution by the legislative body of its findings and intention to sell the property, after a hearing on the matter and the consideration of any protests filed in the matter, which may be overruled by a ⅘ vote of the legislative body

This bill would specifically authorize the City of Montebello to dispose of a water utility owned by the city pursuant to the latter provisions. The bill would repeal this authorization on January 1, 1989.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 61 (AB 554) Jones. Veterans' memorial districts: powers and functions.

Existing law provides for the formation of veterans' memorial districts and provides for their powers and functions in constructing, acquiring, and operating halls, buildings, meetingplaces, and other facilities for the use of veterans and veterans' organizations and by other persons and organizations other than veterans when their use does not interfere with the use of the facilities by veterans Existing law permits a district to enter into a joint powers agreement for recreational services within its boundaries.

This bill would also permit a district to enter into a joint powers agreement for senior citizens' services within its boundaries.

Ch. 62 (AB 577) Stirling. Appearances

Existing law provides for the making of a motion in court to quash service of summons on the ground of lack of jurisdiction or to stay or dismiss the action on the ground of inconvenient forum.

Also, under existing law, as interpreted by judicial decision, an appearance in court to apply for a temporary restraining order is a general appearance which constitutes a waiver of any objection to the court's jurisdiction

This bill would provide that an appearance at a hearing at which ex parte relief is sought, or an appearance at a hearing at which an ex parte application for a provisional remedy is made, is not a general appearance and does not constitute a waiver of the right to make those motions.

Ch. 63 (SB 288) Beverly Foreign regional bank holding companies.

Existing law, the California Interstate (Regional) Banking Act of 1986, contains provisions relating to the construction of the chapter in which it is contained

This bill would provide that that act shall not be interpreted so as to prohibit any bank holding company from acquiring a credit card portfolio, or portions thereof, from a California bank.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 64 (AB 594) Jones Agriculture. pest control

(1) Existing law authorizes the Director of Food and Agriculture to maintain plant quarantine inspection stations to inspect all conveyances

This bill would require every motor vehicle operator entering the state with a shipment of commodities, with specified exceptions, including certain persons transporting cattle, to obtain a certificate of inspection Violation of this requirement would impose a state-mandated local program by creating a new crime. The bill would also impose a civil penalty for failure to obtain the certificate and establish proceedings for enforcement of the requirement.

(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.

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

Ch 65 (AB 679) N Waters Agriculture: milk and dairy products

Existing law regulates the composition and labeling of sterilized whipped cream, sterilized cream topping, sterilized sour cream, whipped cream mix, and cream topping mix.

This bill would repeal those provisions and make related changes in existing provisions regulating the composition and labeling of whipped cream or cream topping

Ch 66 (AB 942) Seastrand Courts: San Luis Obispo County

(1) Existing law provides for the number and compensation of municipal court personnel in San Luis Obispo County

This bill would revise the number and compensation of municipal court personnel in San Luis Obispo County, 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.

Ch. 67 (AB 566) Condit. Alcoholic beverages.

Existing law authorizes any licensee under the Alcoholic Beverage Control Act, or his or her agent or employee, to refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years. The law provides that bona fide evidence of majority and identity is a document issued by a governmental agency, including, but not limited to, a motor vehicle operator's license, registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces.

This bill would delete the registration certificate issued under the Selective Service Act from those provisions and would require the identification to contain the name, date of birth, description, and picture of the person producing the identification

Ch 68 (AB 1712) Areias. Alcoholic beverages

Existing law provides that a wholesaler's license shall not be issued to any on-sale licensee, except that a wholesaler's license may be issued to an on-sale licensee in counties not to exceed 15,000 population.

This bill would instead provide that a wholesaler's license shall not be issued or renewed to any on-sale or off-sale licensee except that a wholesaler's license restricted to sales to on-sale licensees may be issued or renewed to an on-sale licensee in counties not to exceed 15,000 population.

Existing tied-house restrictions prohibit a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person from having specified interests in an off-sale general license

This bill would instead make those prohibitions applicable to any off-sale license

Existing law provides that any wholesaler in counties not to exceed 15,000 population, who holds both a beer and wine wholesaler's license and an off-sale general license and who held such licenses prior to September 19, 1947, may continue to hold those licenses or may transfer either or both licenses to another specified entity Where both licenses are simultaneously transferred, the transfer shall be a person-to-person transfer only.

This bill would instead authorize those wholesalers to continue to hold those licenses but they may not transfer the beer and wine wholesaler's license to another entity. If the off-sale general license is transferred to another entity, it shall be a person-to-person transfer only

Ch. 69 (AB 2347) Killea The California Tourism Commission

Under existing law, the California Tourism Commission in the Department of Commerce is required to, in cooperation with the Office of Tourism, among others, adopt, and annually update, a tourism marketing plan for the State of California.

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

This bill would require that marketing plan to include both domestic and international tourism promotion.

Ch. 70 (SB 230) Craven. Vehicles safety regulations.

Under existing law, the Department of the California Highway Patrol regulates the safe operation of specified vehicles, including, among others, specified trucks and the limitations on driving hours of those trucks, as specified.

This bill would expressly provide that those provisions, and regulations adopted pursuant to those provisions, do not affect the rate of payment of wages of any person or the regulation of the rate of payment of wages by any other public agency.

The bill would declare legislative intent

Ch 71 (SB 285) Russell. Cal-Vet maximum home purchase price

Under the existing Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program, the Department of Veterans Affairs may expend not more than $75,000 for the acquisition or construction of a home or for the acquisition of a mobilehome sited on a lot owned by the purchaser and installed on a foundation, not more than $55,000 for the acquisition of a mobilehome to be sited in a mobilehome park, and not more than $200,000 for the acquisition of a farm, for purposes of sale to a veteran purchaser pursuant to the program

This bill would increase to $90,000 the limit for the purchase of a home or a mobilehome sited on a lot owned by the purchaser and installed on a foundation and to $70,000 the limit for a mobilehome to be sited in a mobilehome park.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 72 (AB 1032) Stirling Vehicles: violations: notices to appear· speed limits

(1) Existing law authorizes release of arrested persons upon receipt of a notice to appear in court pursuant to prescribed procedures Existing law also provides the procedures for processing notices of parking violations, including cancellation of the notice under specified conditions

This bill would make the alteration, concealment, modification, nullification, or destruction of the face side of the original or any copy of a notice of parking violation or a notice to appear retained by an officer a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

The bill would also establish a procedure for dismissal of charges, thereby imposing a state-mandated local program.

(2) Under existing law, no person may drive a vehicle on a highway at a speed greater than 55 miles per hour except as specified.

This bill would make a related change to the allowable increase in the speed limit authorized by Chapter 25 (AB 669), Statutes of 1987 to continue in effect a provision that was in effect prior to the enactment of Chapter 25

(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 for certain costs no reimbursement is required by this act for a specified reason

Moreover, the bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for other 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 those other costs

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 73 (AB 1137) Hauser Humboldt County Association of Governments

Existing law authorizes 2 or more counties or cities to form specified regional planning bodies.

This bill would authorize the Hoopa Valley Business Council, as representative of the

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

Hoopa Valley Tribe, to participate in the Humboldt County Association of Governments and to enter into a joint powers agreement for that purpose.

Ch. 74 (AB 583) Harris. Vehicle length: buses: bicycle transportation.

Existing law with various specified exceptions prohibits any vehicle from exceeding 40 feet in length.

This bill would exclude from this prohibition a bus operated by a public agency or a passenger stage corporation used in transit system service, other than a schoolbus, when the excess length is caused by a folding device meeting specified requirements attached to the front of the bus which is designed and used to transport bicycles.

Ch 75 (AB 751) Bane Licenses. driving schools traffic violator schools

Under existing law, the Department of Motor Vehicles issues licenses to driving school owners, driving school operators, and driving instructors who meet specified qualifications. The department also licenses traffic violator schools to which persons are referred by the courts, traffic violator school instructors, and traffic violator school operators, all of whom are required to meet separate specified criteria and qualifications before a license may be issued.

This bill would require that applicants for all of these licenses submit an application on forms prescribed by the department and to provide the department with any information concerning the applicant's character, honesty, integrity, or reputation which the department considers necessary

Ch 76 (AB 763) Frizzelle. State Teachers' Retirement Law: definitions—compensation and salary

The State Teachers' Retirement Law defines various terms and defines "compensation" and "salary" through specified included and excluded categories.

This bill would add definitions of "full-time" and "bonus " This bill would also exclude from "compensation" and "salary," stipends paid to mentor teachers and would authorize the Teachers' Retirement Board to determine whether other payments are to be included in or excluded from "compensation" and "salary"

Ch 77 (AB 1175) Hill Employment: fingerprints and photographs.

Existing law makes it a misdemeanor for any person or agent or officer thereof, to require, as a condition precedent to securing or retaining employment, that an employee or applicant for employment be photographed or fingerprinted for the purpose of furnishing the photographs or fingerprints or other related information to any other employer or third person, when the photographs and fingerprints could be used to the detriment of the employee or applicant. Existing law also creates a civil cause of action for violation of these provisions

This bill would exempt from this prohibition any employee of a diversified or nondiversified management company and affiliates thereof, as defined in federal law, who is required to be fingerprinted pursuant to federal law.

Ch 78 (AB 1013) Baker Fiscal affairs

(1) In 1978, local public entities were required to make contributions to finance unemployment insurance coverage of their employees.

In 1984, a California court of appeal held that the state was required to reimburse local public entities for the costs of these contributions. To carry out this decision, the Legislature, in 1985, enacted provisions to reimburse local public entities for these costs for fiscal years 1984–85 and 1985–86

This bill would repeal these provisions and would revert the undisbursed balance of the appropriation to the General Fund.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 79 (AB 28) Elder Public employees· health benefits

Existing law defines, for purposes of the Public Employees' Medical and Hospital Care Act (PEMHCA), an employee, an annuitant, and a contracting agency. Under PEMHCA an employee or annuitant of a contracting agency may enroll in a health benefits

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

plan for which the Board of Administration of the Public Employees' Retirement System has contracted. A contracting agency is defined to include a contracting agency under the Public Employees' Retirement System (PERS) and any county subject to the County Employees Retirement Law of 1937 (CERL), among others.

This bill would, for purposes of PEMHCA, define contracting agency as including any special district and any special district which is subject to CERL, and as including any public body or agency of, or within, California not covered by PERS or subject to CERL which provides a retirement system for its employees funded wholly or in part by public funds. The bill would also define a special district as a nonprofit self-governed public agency, within the State of California and comprised solely of public employees, performing a governmental rather than a proprietary function. This bill would define an employee and an annuitant to include an employee or annuitant of a public agency as defined by this bill.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 80 (SB 1690) Dills. Department of Public Safety. study.

Under existing law, state agencies have authority to provide emergency services, criminal justice planning, and criminal justice assistance to local government, and to protect state offices and employees. Under existing law, an advisory committee, composed of 7 members, appointed as specified, has been established to examine the feasibility of establishing a Department of Public Safety, which would be vested with the authority currently held by various state agencies under existing law. Existing law requires the advisory committee to report its findings to the Legislature not later than June 30, 1987. These provisions are to remain in effect until July 1, 1987, and as of that date are repealed.

This bill would require the committee to report its findings not later than June 30, 1988, and would extend the July 1, 1987, repeal date to January 1, 1989.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 81 (AB 340) Condit. Alcoholic beverages.

Existing law provides that in any hearing on an accusation charging a licensee of the Alcoholic Beverage Control Act with a violation of specified provisions of law relating to minors the Department of Alcoholic Beverage Control is required to produce the minor for examination at the hearing unless the licensee has waived the appearance of the minor

This bill would provide that the department is not required to produce the minor if the minor is unavailable as a witness, as specified.

Ch. 82 (AB 80) Agnos. Child care: providers.

Existing law establishes a pilot program under the Department of Justice in specified counties from July 1, 1987, to January 1, 1990, concerning the maintenance and release of specified information about persons providing professional child care.

The bill would revise the pilot program to require that the prospective professional child care provider may request a hearing prior to the notification of parents concerning conviction of a crime that could be granted an exemption if the prospective professional child care provider were applying for a day care license. The bill would require the Department of Justice to notify the parent or legal guardian and the prospective child care provider when no pertinent criminal conviction or substantiated child abuse information is found The bill would also require the department to continually update and review reports of child abuse and pertinent criminal convictions, rather than convictions of child abuse, concerning these providers and to notify the parents and the providers of the results of the investigations and convictions.

This bill would make technical changes with regard to several provisions of that program.

Existing law requires the Department of Justice to maintain an index of all reports of child abuse submitted from child protective agencies and to notify the agency or district attorney of any information which is relevant to known or suspected child abuse reported by the agency, and to make available to the State Department of Social Services

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

information received subsequent to January 1, 1981, concerning an applicant for licensure or employment in a position having supervisorial or disciplinary power over a child or children who will provide 24-hour care over a child or children.

This bill would require the Department of Justice to notify the parent or legal guardian who requested a background examination whether or not a child care provider was a suspect of child abuse

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 83 (AB 2069) Hauser. County correctional facilities.

Existing law sets forth schedules for the disbursement to counties of funds derived from the sale of bonds under the County Jail Capital Expenditure Bond Act of 1984 and the County Correctional Facility Capital Expenditure Bond Act of 1986 Under existing law applicable to the County Correctional Facility Capital Expenditure Bond Act of 1986, the amounts allocated to a county may not be used to supplant local funds directed to previously approved state funded projects

This bill would provide that amounts allocated to a county under the 1986 Bond Act may not be used to supplant local funds directed to previously approved state funded projects, except for those counties with only one local detention facility

This bill would also provide that if bonds have not been sold for projects authorized by the schedule applicable to the 1984 bond act, the Board of Corrections may disburse those funds from proceeds from the sale of bonds under the 1986 Bond Act or from funds available under provisions of a statute that authorize the Pooled Money Investment Board to make certain loans, as specified

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 84 (AB 428) Klehs. Local elections

Existing law authorizes the governing board of any school district, or a county board of education, with the approval of the county board of supervisors, to alternatively conduct member elections on the same day in which a primary, municipal, or general election is held in the county, as specified Existing law requires that the resolution be adopted and submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled election of the governing board members of the district or for the members of the county board of education Existing law requires the board of supervisors, within 60 days of submission, to approve the resolution unless it makes a prescribed finding, including that the consolidation will incur additional costs to the county.

This bill would delete the category of additional costs to the county as a basis for denial by the board of supervisors of the resolution for a consolidated election.

This bill would provide that the final date for the submission of the resolution is not subject to waiver It would impose a state-mandated local program by requiring the board to give notice, as specified, of the receipt of the resolution and by requiring the elections official to notify all registered voters, as specified, of the approval of the resolution, and by requiring that, if the date of a school district governing board election is changed, at least one election shall be held before the resolution subsequently may be repealed or amended.

Existing law provides that a community college district, by resolution, may require that its trustee general elections be held on the same day as the statewide general election or a municipal election.

This bill would change the reference from trustee general elections to district governing board member elections It would impose a state-mandated local program by revising the procedure and requirements pursuant to which those elections may be consolidated with the general election

This bill also would delete the authority for a community college district to require that its elections be held on the same day as a municipal election

Existing law provides that a special district, as defined, by resolution, may require that its elections of governing board members be held on the same day as the statewide general election Existing law provides that if an election is held on the same day as the statewide general election, the governing board members whose terms of office would

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

have expired shall continue in office but in no event longer than one year and defines the term "one year."

This bill would impose a state-mandated local program by requiring that if the date of a special district election is changed, at least one election shall be held before the resolution, as approved by the board of supervisors, subsequently may be repealed or amended and by requiring that, prior to the adoption of a resolution either to approve or deny an election consolidation request from a special district, a cost-effectiveness report first be obtained from the elections official This bill also would delete the definition of the term "one year."

Existing law also permits a city council to enact an ordinance requiring its general municipal election to be held on the same day as the statewide direct primary election, the date of the statewide general election, or on the day of school district elections, rather than on the date specified by statute, but provides that, as the result of the adoption of the ordinance, no term of office shall be increased or decreased by more than 12 months, as defined

This bill would delete the authority to conduct that election on the day of school district elections and would impose a state-mandated local program by requiring that, if the date of a general municipal election is changed, at least one election shall be held before the resolution subsequently may be repealed or amended, and by requiring the board or boards of supervisors to obtain from the elections official a report on the cost-effectiveness of the approval or disapproval of the consolidation request prior to approving or denying that request

This bill would provide that a school district in Tehama County or the Tehama County Board of Education may purchase or contribute to the purchase of elections equipment, including a computer, for consolidated election purposes, when the equipment shall be owned by Tehama County.

The California Constitution requires 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 declare that it is to take effect immediately as an urgency statute

Ch 85 (AB 533) Vasconcellos Budget Act of 1986. augmentation contingencies or emergencies. [2]

(1) The Budget Act of 1986 appropriated specified funds for the Veterans' Home of California and $4,500,000 in equal amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance.

This bill would appropriate $72,057,000, as scheduled, in augmentation of those budget appropriations and to reappropriate funds appropriated for the Veterans' Home of California in the Budget Act of 1984 The funds appropriated for the Veterans' Home of California by the bill would be available for encumbrance only as specified.

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

(2) Existing law prescribes a method for determining state apportionments to school districts

This bill would require the Superintendent of Public Instruction to report, on or before December 15, 1987, to the Director of Finance the actual annual local revenues received by county offices of education and school districts for the county office of education, K-12 district revenue limit, and special education apportionments for the 1986–87 fiscal year.

The bill would also require the Superintendent of Public Instruction to report to the Director of Finance and the State Controller the amounts by which specified 1986–87 local revenues received by county offices of education and school districts, reported at the 1986–87 annual apportionment, exceed specified amounts received by those entities

---

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

as reported at the 1986–87 second principal apportionment. The State Controller would be required to transfer these funds, as adjusted by any change in entitlements between the 1986–87 second principal apportionment and the 1986–87 annual apportionment, from specified items of the Budget Act of 1987 to the unappropriated balance of the General Fund.

(3) The bill would declare that it is to take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

Ch. 86 (AB 361) Harris Civil law discovery

(1) Existing law provides that on July 1, 1987, the civil discovery laws will be repealed and new provisions governing civil discovery will become operative.

Under existing law, the new provisions governing civil discovery set forth provisions governing discovery of the work product of specified persons consulted in anticipation of litigation Those provisions generally prohibit the discovery of work product except in specified instances

This bill, instead, would provide that the work product of an attorney is discoverable only in specified instances It would also provide that the new work product provisions are intended to be a restatement of existing law.

Under existing law, the new provisions will authorize sanctions against one engaging in discovery abuse or an attorney advising that conduct

This bill would specify that sanctions may be imposed against any party, person, or attorney for a misuse of the discovery process, and would generally require the imposition of sanctions for certain misuses of discovery.

Under existing law, the new provisions will specially provide that the time for responding to certain notices is extended by 5 days if notice is mailed.

This bill would instead provide that a specified section of law, that extends the time for response to a notice if it is mailed, applies to discovery methods.

Under existing law, the new provisions will set forth time periods for the completion of discovery.

This bill would provide that the time limit for completion of discovery of actions to be arbitrated under provisions relating to judicial arbitration is subject to Judicial Council Rule

Under existing law, the new provisions will limit the number of interrogatories to 35 unless supported by a declaration

This bill would limit the number of specially prepared interrogatories to 35 unless a declaration has been made The limit would not apply to official form interrogatories.

Under existing law, the new provisions provide that if an answer to an interrogatory would necessitate making a compilation, abstract, audit, or summary and if that document does not already exist or if the burden or expense of making it would be substantially the same for the propounding party, it is a sufficient answer to specify the writings from which the answer may be derived.

This bill would eliminate the nonexistence of the document as a ground for that response

Under existing law, the new provisions set forth requirements for responses to demands for inspection

This bill would revise those provisions to, among other things, specify the response if only an item or category is objectionable

Under existing law, the new provisions regulate discovery by physical or mental examination.

Under the new law, a mental examination of a physically injured person is not generally permitted if no claim is being made for an unusual or particularly serious component of mental or emotional distress over and above that usually associated with the physical injury and no psychiatric testimony will be presented in support of the usual mental or emotional distress

This bill would delete the reference to an unusual or particularly serious component of the distress and would require that there be no expert testimony regarding distress rather than no psychiatric testimony.

The bill would delete various references to named health professions and would

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

instead refer to physicians, psychologists, and licensed health care practitioners.

Under existing law, the new provisions authorize requests for admissions, including as to the truth of matters of fact or opinions relating to fact, but not as to the application of law to fact

This bill would authorize requests for admission, as to the application of law to fact.

Under existing law, the new provisions authorize demands for the exchange of information concerning expert trial witnesses, and require them to be made within specified time limits

This bill would revise those time limits

This bill would make numerous related changes

This bill would provide that the new civil discovery provisions govern proceedings in actions filed on or after July 1, 1987, and proceedings in actions pending on that date, except that any particular use of a discovery method initiated before July 1, 1987, would be governed by preexisting provisions This bill would become operative on July 1, 1987.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 87 (SB 158) Ayala. Education

Existing law appropriates funds for allocation to school districts selected by the State Allocation Board for the purchase and installation of air-conditioning equipment and insulation materials for schools presently operating on a year-round or continuous basis pursuant to specified provisions of existing law

This bill would authorize the appropriations contained in designated provisions of existing law to also be allocated for those purposes to school districts that will be operating schools on a year-round or continuous basis, as specified, thereby constituting an appropriation. The bill would make legislative findings and declarations relating to the effect of the current allocation of funds

This bill would require the governing board of each school district that will be operating schools on a year-round or continuous basis to adopt a resolution relative to the operation of these schools prior to receiving an allocation authorized by these provisions This bill would prescribe a formula for the repayment to the state of the funds allocated if specified conditions are not met

This bill would specify that any money repaid to the state pursuant to the above provision if specified conditions are not met is appropriated for the purchase of air-conditioning equipment and insulation materials and for the expense of installing the equipment and materials in the same manner as the appropriations contained in designated provisions of existing law.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 88 (SB 311) Robbins. Trials presence of judge

Existing law provides that after the jury in a civil or criminal case has retired for deliberation, if there is a disagreement between them as to any part of the testimony, they may return to the court for clarification

This bill would specify that in either a civil or criminal case, except for good cause shown, a judge in his or her discretion need not be present in the court while testimony previously received in evidence is read to the jury

The bill would declare that it is to take effect immediately as an urgency statute

Ch 89 (AB 228) Johnston. Classified employees layoff.

Existing law requires the governing board of each school and community college district to establish the classified service for purposes of the employment of persons for position 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 This definition of the term "length of

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

service" is applicable to all community college districts but only to school districts with an average daily attendance below. 400,000, and 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 nothing in the above provisions shall preclude the governing board of a school or community college district from entering into an agreement with the exclusive representative of the classified employees which defines "length of service" to mean hire date

Ch. 90 (AB 492) Stirling. School facilities leases

Existing law requires the governing board of a school district to call an election pursuant to a lease or agreement relating to real property to be used by the district, where the lease or agreement would effect an increase in the existing applicable maximum tax rate of the district.

This bill would provide that, where a majority of electors voting in an election to that effect held in the district on November 5, 1974, which election was held prior to the execution by the governing board of the lease or agreement, consented in that election to designated school construction to be funded by an increase in the district tax rate, the governing board of the district may conduct an election to seek the consent of the voters of the district to certain other school construction to the extent of that previously approved tax rate, as specified

Ch 91 (AB 862) Quackenbush. Public Employees' Retirement System.

The existing Public Employees' Retirement Law (PERL) provides for the application of the period of limitation of actions for purposes of payments into or out of the retirement fund for adjustments of errors or omissions

This bill would revise and clarify those provisions

This bill would also revise provisions of PERL relating to the subsequent disability of a former disabled member who through a rehabilitation program reentered state service and to attempted changes by retired members in their retirement status after the mailing of the first retirement warrant, so as to expressly reflect the administrative interpretation which has been given thereto.

Ch 92 (AB 1245) Leonard Youth

Existing law authorizes, a voluntary pilot program for the establishment and administration of regional youth educational facilities under the control of the Youth Authority, as specified It requires the Youth Authority to report on the effectiveness of that law by January 1, 1987 The authorization for the pilot program will be inoperative on June 30, 1987, and will be repealed as of January 1, 1988.

This bill would extend the operative date of the authorization for the pilot program until June 30, 1990, and provide for its repeal on January 1, 1991 It also would provide that the Youth Authority shall conduct a study on the effectiveness of the program in reducing recidivism and report thereon to the Legislature by January 1, 1989

The bill would declare that it is to take effect immediately as an urgency statute

Ch 93 (AB 1248) Lewis. Mobilehome Park Purchase Fund

Under existing law, the Department of Housing and Community Development may make loans from the Mobilehome Park Purchase Fund to low-income residents of mobilehome parks converted to resident ownership, in order to reduce monthly housing costs to an affordable level. Existing law prohibits such a loan from exceeding 90% of the value of the borrower's individual interest in the mobilehome park.

This bill would, instead, prohibit the amount of the loan from exceeding 90% of the value of the collateral securing the loan

Ch 94 (AB 1396) Clute. Horseracing. purses.

Existing law requires an association other than a fair which conducts a quarter horse racing meeting, except a mixed breed meeting, to pay an amount equivalent to 1 5%

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

of the portion deducted from the parimutuel pool for purses to the horsemen's organization contracting with the association with respect to the conduct of racing meetings for administrative expense and services rendered to horsemen

This bill would increase that amount to 2.5%.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 95 (AB 1945) Quackenbush. School site councils: membership.

Existing law requires establishment of a school site council at each school that participates in motivation and maintenance programs.

Existing law specifies the composition of a school site council, including the principal and representatives of teachers, other school personnel, parents, and pupils.

This bill would encourage each school to include representatives of the business community as members of the school site council.

Ch 96 (AB 272) Condit Alcoholic beverages.

Existing provisions of the Alcoholic Beverage Control Act known as "Tied-House" restrictions generally prohibit an on-sale alcoholic beverage licensee from having an ownership interest in an alcoholic beverage manufacturer

This bill would authorize the holder of no more than 6 on-sale licenses to (1) hold not more than 10% of the stock of one corporate licensed beer manufacturer that produces 60,000 barrels or less a year and is located in Los Angeles County and (2) serve on the board of directors and as an officer or employee of that manufacturer.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 97 (AB 327) Connelly Foreclosure bankruptcy

Existing law prohibits the issuance of a trustee's deed in a nonjudicial foreclosure, makes the trustee's sale and deed void, if issued, and requires return of the trustee's deed, where, prior to the purported sale, the sale was enjoined and the injunction served upon the trustee or beneficiary, or the sale was stayed by operation of the laws relating to bankruptcy and the real property is located in the county in which the bankruptcy proceedings were commenced. Where the real property is located in a county other than that in which bankruptcy proceedings were commenced, it provides that the deed is void and without legal effect upon the recordation, prior to sale, in the county in which the real property is located, of a notice of the stay order or a copy of the petition in bankruptcy, or the service of a written notice of commencement of the bankruptcy proceedings on the trustee or beneficiary. These provisions also provide for the tender of consideration paid for the real property at the voided sale

This bill would repeal those provisions.

This bill would contain a declaration of legislative intent

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 98 (AB 918) Areias. Construction contracts waivers.

Existing law provides that contract provisions in construction contracts of public agencies, and subcontracts thereunder, which limit the contractee's liability to an extension of time for delay for which the contractee is responsible and which delay is unreasonable under the circumstances involved, and not within the contemplation of the parties, shall not be construed to preclude the recovery of damages by the contractor or subcontractor

This bill would provide that no public agency may require the waiver, alteration, or limitation of the applicability of this law and would provide that any such waiver, alteration, or limitation is void

Ch. 99 (AB 1369) Polanco. Schools: pupils' leaves of absence.

Existing law, until July 1, 1987, permits a child who will be 15 years old at the time a leave of absence is to begin to take a leave of absence from school for purposes of supervised travel, study, training, or work otherwise unavailable to the student, for up to one semester, if specified conditions are met

This bill would delete the July 1, 1987, sunset date and would authorize these pupil

---

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

leaves of absences, as described above, indefinitely

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 100 (AB 1440) Hannigan School districts special taxes.

Existing law establishes certain procedures governing the adoption by any city, county, or district of a special tax, pursuant to the approval of ⅔ of the votes cast by voters voting upon the proposition

This bill would specify that school districts are authorized, subject to those requirements, to impose qualified special taxes, as defined

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 101 (AB 274) Eaves. Aviation funds audit

(1) Existing law requires the Controller to audit the books and records of public entities receiving payments or allocations of funds for specified aviation purposes in order to determine that the money received has been expended for the purposes and under the conditions authorized by law

This bill would, instead, make it the duty of a public entity receiving the payment or allocation to audit its books and records, as deemed necessary by the Department of Transportation. The bill would 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. 102 (AB 732) Hughes School district contracts· prequalification of bidders.

Existing law provides that, as to contracts for which bids are required under existing law, and that are entered into by a school district pursuant to the funding approval of a district project under the Leroy F Greene State School Building Lease-Purchase Law of 1976, the governing board of the district may require each prospective bidder to complete and submit to the district a standardized questionnaire and financial statement to be used by the district to determine the size of contracts on which the bidder shall be deemed qualified to bid This law also requires that each prospective bidder employ a standardized proposal form to be furnished by the district, which proposal form may not be accepted from any bidder who has failed to comply with any required prequalification procedure, as specified

This bill would provide that a school district may impose this prequalification procedure for any school district contract for which bids are required under existing law

Ch 103 (AB 758) N Waters Volunteer firefighters' award system. service credits

The Volunteer Firefighters Length of Service Award Act authorizes local agencies with regularly organized fire departments to contract to make their volunteers members of the service award system. Under this law, only those volunteers who have earned a minimum of 100 points during a service year are credited with current service for that year and a certain number of the minimum points are required to be earned for responses to emergency calls. Under this law, accumulation of points toward creditation of current service credit is required to be computed in accordance with prescribed criteria

This bill would provide, instead, that only those volunteers who have been certified by their contracting department as having satisfactorily completed a service year are to be credited with current service for that year It would delete the requirement that a certain number of points be earned for responses to emergency calls It would delete the prescribed criteria for accumulation of points toward creditation of current service credit and, instead, provide that a satisfactory service year credit is to be determined by a members' active participation in the training drills, responses to emergency calls, and attendance at certain meetings

This bill would permit members of departments contracting on or after January 1, 1988, to be initially credited with a full service year if they have been active members

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

of the contracting department for a prescribed period and are certified by the department's qualifications review commission.

It would make other conforming changes.

Ch. 104 (AB 1545) McClintock Municipal and justice courts. jurisdiction

Under existing law, municipal and justice courts have jurisdiction to enforce and foreclose an assessment lien on a condominium, as specified, where the amount of the lien is $25,000 or less. These provisions are repealed and reenacted operative January 1, 1990, unless that date is extended or deleted by statute.

This bill would expand that jurisdiction to cover all common interest developments, as defined, retaining the repeal and reenactment of these provisions operative January 1, 1990, unless that date is extended or deleted by statute.

Ch. 105 (SB 339) Russell Insurance production agencies.

Under existing law, an insurer or reciprocal or interinsurance exchange is not eligible for any license under the provisions regulating production agencies, with a prescribed exception

This bill would permit an insurer to own or control a separate entity licensed under those provisions as an insurance agent or life agent, as defined.

Ch 106 (SB 1639) Keene Education. specialized secondary programs and school district reorganization

(1) Existing law states that the Legislature recognizes that the state economy will benefit by the establishment of specialized high schools that provide pupils with enhanced learning opportunities in high technology fields and in the performing arts while enrolled in schools located in school districts in close proximity to urban areas where these industries are located.

This bill would, instead, refer to the establishment of specialized high schools that provide pupils with these enhanced learning opportunities while enrolled in schools located in school districts in close proximity to areas, rather than urban areas, where these industries are located

(2) Existing law regulates the reorganization of school districts.

This bill would require that, notwithstanding any contrary provision of law, the county committee on school district organization in Alameda County exclude any specified component elementary school district, upon request of that district, from any proposal to unify any or all of the remainder of the high school district, and would thereby constitute a state-mandated local program.

The bill would prohibit, notwithstanding any contrary provision of law, any so excluded elementary school district from being merged by operation of law into a new unified school district, and would require that the district so excluded become an independent unified school district of kindergarten and grades 1 to 12, inclusive

This bill would authorize the district so excluded to contract with neighboring school districts for educational services for its students in grades 9 to 12, inclusive, until it has sufficient students to provide a comprehensive program for kindergarten and grades 1 to 12, inclusive

The bill would provide a legislative finding and declaration to the effect that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

The California Constitution requires 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 107 (SB 424) McCorquodale Air pollution: districts· vehicular sources

Under existing law, the State Air Resources Board generally has jurisdiction and control over vehicular sources of air pollution, while local and regional authorities have primary responsibility for control of air pollution from all other sources. Existing law

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

applicable generally to air pollution control districts and air quality management districts prohibits any person from discharging from any source any quantity of air contaminants which causes injury, detriment, nuisance, or annoyance to any considerable number of persons or the public, which endangers the comfort, repose, health, or safety of a considerable number of persons or the public, or which tends to cause injury or damage to business or property and provides for civil penalties to be recovered in a civil action by the Attorney General, any district attorney, or the attorney of the district in which the violation occurs

This bill would, notwithstanding the general distinction between enforcement of vehicular and nonvehicular sources, make the owner of any diesel-powered bus which violates these discharge prohibitions while the engine is idling liable for civil penalties to be recovered in a civil action by the Attorney General, any district attorney, or the attorney for the district in which the violation occurs The bill would also provide that there is no liability for these civil penalties if the owner can show by affirmative defense that the extent of the harm caused does not exceed the benefit to bus passengers as a result of idling the engine.

Ch 108 (SB 931) Russell. Portable school classrooms

Existing law authorizes the State Allocation Board to acquire portable classrooms for lease to qualifying school districts and county superintendents of schools, as specified. Existing law also authorizes the board to empower any qualifying lessee to act as its agent in the performance of certain acts for this purpose, including contracting for architectural and construction services and purchasing furniture and equipment.

This bill, in addition, would authorize the board to empower any qualifying school district or county superintendent of schools to purchase a portable classroom or classrooms, at a time when funding is unavailable to the board for that purpose, pursuant to which the board would purchase those facilities from that qualifying entity, as specified, when sufficient state funding becomes available, for the purpose of leasing the facilities to that entity This bill would also specify that these portable classrooms are encompassed by the exclusion, set forth in existing law, of leased portable classrooms from the calculation of adequate existing school construction under the Leroy F Greene State School Building Lease-Purchase Law of 1976, except where a district has rejected the board's offer of purchase

This bill would declare that it is to take effect immediately as an urgency statute

Ch 109 (AB 675) N Waters Farm Products Trust Fund.

Existing law provides for the Farm Products Trust Fund to pay for farm products grown or produced in this state which have not otherwise been paid for after being received by a licensed farm products processor or a licensed produce dealer. In no case may the total paid to all the claimants from the fund exceed $50,000 against any one licensee for any one license period.

This bill would specify that claims may be made against the fund by persons who produced and sold a farm product to a processor or produce dealer who failed to pay for the product and persons who themselves are licensed produce dealers or brokers who sold a farm product to a processor or produce dealer who failed to pay for the product The bill would also authorize produce dealers to file verified complaints against processors for violation of the laws relating to produce dealers

Ch 110 (AB 485) Kelley. Airports· financial assistance.

Existing law authorizes the Department of Transportation to make an annual credit or payment of $5,000 from the Aeronautics Account, which is a continuously appropriated account, in the State Transportation Fund to a public entity operating a public airport having less than 85,000 annual enplanements and meeting other requirements, and requires these payments to be expended only on the airport for which the payments were made, unless the department grants a waiver in extenuating circumstances.

This bill would delete the authority of the department to grant a waiver in extenuating circumstances, and would, instead, authorize the department to permit a public entity to transfer a payment for expenditure on another airport owned or operated by the

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

public entity

Ch 111 (AB 736) Ferguson Vehicles: occupational licensees

Existing law requires driving school instructor, traffic violator school instructor, and vehicle salesman licenses issued by the Department of Motor Vehicles to expire on the 3rd birthdate of the applicant following the date of application.

This bill would instead make those licenses valid for 3 years from the date of issuance and would prohibit renewal of those licenses, and those of traffic violator school owners and operators, after the date of expiration

Ch. 112 (AB 761) N Waters Mosquito abatement districts and vector control districts public nuisances

Existing law specifies that a mosquito abatement district or vector control district may abate a public nuisance in any action or proceeding by any remedy provided by the provisions of existing law creating these districts or any other law.

In defining the term "public nuisance" for these purposes, existing law provides, among other things, that if the board of trustees of an abatement district or vector control district determines that an agricultural operation is growing or processing crops or raising fowl or animals in a manner consistent with proper and accepted practices and standards, as established and followed by similar agricultural operations in the same locality, and employing measures for fly control, for manure management, removal, and disposal, and for disposal of agricultural crop waste, which prevent excessive domestic fly larval development and excessive adult fly emergence on the property, then that place shall not be deemed a public nuisance. Existing law defines "excessive" in this context as the presence of domestic flies associated with agricultural operations, which, among other things, cause detrimental effects on the public health and well-being of a majority of the surrounding population

This bill would specifically provide that the existence of these detrimental effects are as determined by the board of trustees of the abatement district or vector control district

In addition, with respect to a public nuisance which exists at an agricultural operation by reason of excessive domestic fly larval development and excessive adult fly emergence, this bill would limit the remedies, including procedures for abatement and the penalties which may be assessed, to those provided for under provisions of law relating to mosquito abatement and vector control

Ch 113 (AB 1018) Farr Mosquito abatement districts.

Under existing law, allocations of property tax revenues are made to special districts from a Special District Augmentation Fund which is created in each county pursuant to a specified process Moneys in a Special District Augmentation Fund are not, however, distributed to, among other types of districts, multicounty districts.

This bill would specify that, for purposes of the provisions relating to property tax revenue distribution from a Special District Augmentation Fund, an existing mosquito abatement district located in Monterey County which annexes property adjoining that county on or after January 1, 1988, and which prior to that date is not a multicounty district, shall not be deemed a multicounty district

The bill would express a legislative finding that a special law is necessary and that a general law cannot be made applicable within the meaning of constitutional provisions, for specified reasons

Ch 114 (AB 1107) Leslie Parent and child

Existing law, the Uniform Parentage Act, establishes procedures for the establishment of the relationship of parent and child as well as for the termination of the rights of alleged natural fathers of children

This bill would provide that an action for the termination of the parental rights of a father shall be set for hearing not more than 45 days after the filing of the petition and completion of service thereon or entry of an order dispensing with notice of the proceedings, as specified The bill would make related changes

---

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

Ch. 115 (AB 2559) N Waters. Firearms: peace officers· federal officers and agents

(1) Existing law permits the carrying of concealed firearms by statutorily specified peace officers and specified honorably retired peace officers. Under that law the agency from which a peace officer is honorably retired, may, upon initial retirement or anytime thereafter, deny or revoke for good cause a retired officer's privilege to carry a firearm.

This bill would provide that an honorably retired peace officer who retired prior to January 1, 1981, shall not be required to obtain an endorsement from the issuing agency to carry a firearm

This bill would also provide that upon approval of the sheriff of the county in which they reside, honorably retired federal officers and agents of designated federal agencies who were assigned to duty within the state for a period of not less than one year, or who retired from active service in the state, shall be granted the privilege to carry a firearm. This bill would require these retired federal officers and agents to carry identification indicating their retired status and would require that they provide the sheriff certification from the federal agency from which they retired of their retired status and the agency's concurrence that they should be accorded the privilege of carrying concealed weapons. This bill would also authorize the sheriff to require recertification prior to a permit renewal, and to suspend this privilege for cause This bill would authorize the sheriff to charge a fee necessary to cover any reasonable expenses incurred by the county.

(2) Existing law permits the carrying of loaded firearms, where it would otherwise be prohibited, by, among others, certain honorably retired peace officers.

This bill would recast that law by conforming the authorization to carry loaded firearms by retired peace officers to the same authorization and procedure as proposed under paragraph (1) for the carrying of concealed firearms by retired peace officers It also would grant honorably retired federal officers and agents of designated federal agencies the power to carry loaded firearms in the same manner and subject to the same procedure as set forth under paragraph (1), regarding the carrying of concealed firearms by those retirees

Ch 116 (SB 82) Petris. California State Police. Supreme Court Justices

Under existing law, the California State Police Division of the Department of General Services is authorized to provide for the physical security of constitutional officers and legislators of the state.

This bill would authorize the director of the department to also provide for the physical security of any former constitutional officer and legislator and, upon the request of the Chief Justice, appropriate division protective services to any current or former member of the state courts of appeal and the California Supreme Court.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 117 (SB 358) Keene. Horseracing.

Under existing law, a racing week is 7 consecutive days during which an association is authorized by the California Horse Racing Board to conduct horseracing for a minimum of 5 days. Existing law, until January 1, 1989, also authorizes the board to allocate racing weeks of 4 days for quarter horse racing in the northern zone upon a specified agreement to that allocation

This bill would delete the January 1, 1989, termination date for these provisions

Ch. 118 (SB 793) Davis Education prohibition of sex discrimination.

Existing law requires the State Board of Education, the Board of Governors of the California Community Colleges, and the Trustees of the California State University, and authorizes the Regents of the University of California, to issue rules, regulations, or orders to implement specified provisions relating to the prohibition of discrimination on the basis of sex.

This bill would revise existing law by requiring the State Board of Education, the Board of Governors of the California Community Colleges, and the Trustees of the California State University, and authorizing the Regents of the University of California,

---

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

to issue regulations pursuant to provisions of existing law commonly known as the Administrative Procedure Act to implement those provisions relating to the prohibition of discrimination on the basis of sex.

Ch 119 (SB 1150) Mello Monterey County groundwater basins.

Under existing law, the Monterey County Flood Control and Water Conservation District is created by a special act of the Legislature and consists of all the territory of Monterey County

This bill would prohibit the export of groundwater for use outside the Salinas River Groundwater Basin, but would permit use of that water on any part of Fort Ord, and would make specified determinations in that connection. The bill would also authorize the board of directors of the district to take appropriate steps to prevent or deter the further intrusion of seawater into any groundwater basin underlying the district by establishing and defining, in accordance with prescribed procedures and requirements, an area and depth from which the further extraction of groundwater is prohibited The bill would make any such regulation effective as to any existing well extracting groundwater from the area and depth prohibited only if there is made available to the lands served from that well a substitute surface water supply adequate to replace the water supply previously available from the well

The bill would make related changes

Ch. 120 (AB 3) Baker Toll bridges: bonds.

(1) Existing law prohibits the issuance of any new bonds secured by tolls of a bridge or highway within the area of jurisdiction of the Metropolitan Transportation Commission, except for bonds necessary to finance completion of the new Dumbarton Bridge and the payment of loans by the Richmond-San Rafael Bridge.

This bill would specify that these provisions shall not be construed to prohibit the issuance of refunding bonds when the California Transportation Commission determines that by so doing a net savings to the state in interest costs will be realized The bill would also make a technical change in those provisions

(2) Under existing law, the commission is authorized to issue revenue bonds secured by toll bridge revenues in accordance with prescribed terms and conditions

This bill would permit the bond interest rate to be 12% and to be a variable rate of interest, would delete provisions limiting the discount on any bonds to 6% of par value, would permit refunding bonds to be sold at private or negotiated sale, would generally revise the terms and conditions under which the commission may issue refunding funds, and would make related changes.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 121 (AB 50) Agnos. San Francisco-Oakland Bay Bridge.

Under existing law, the cost of operation and maintenance of the San Francisco-Oakland Bay Bridge is required to be paid by the Department of Transportation from tolls and revenues received from the use and operation of the toll bridge, except that maintenance is required to be paid from the State Highway Account in the State Transportation Fund under specified circumstances

This bill would specifically require the department to pay the cost of operating and maintaining architectural lights on the bridge from toll bridge revenue funds available for the operation of the bridge. The bill would require the department's budget to be augmented by one person-year and $50,000 to carry out those requirements from January 1, 1988, to January 1, 1989 Thereafter, the expense for those lights would be required to be included in the annual Budget Act

Ch. 122 (AB 61) Elder. Postretirement employment of PERS retirees.

The existing Public Employees' Retirement Law generally prohibits employment of a retired person by the state, a school employer, or a contracting agency unless the person is reinstated, with specified exceptions.

This bill would make an exception for a retired person who serves under appointment by the governing body of the contracting agency in a position deemed to be of limited

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

duration and requiring specialized skills The appointment would be only to fill a temporary vacancy until a permanent appointment can be made

One existing exception is for a retired person appointed because he or she has skills needed in performing specialized work of limited duration and that service may not exceed 90 working days or 720 hours in any calendar year

This bill would delete the requirement that the work to be performed for a limited duration be specialized work

Ch. 123 (AB 165) Stirling. State warrants payable quarterly from IDDA or TRF. notice.

Existing law requires the Board of Administration of the Public Employees' Retirement System to inform recipients of quarterly payments from the Investment Dividend Disbursement Account (IDDA) in the Public Employees' Retirement Fund for purchasing power adjustments, of the contingent nature of those payments, as specified Existing law also provides for certain nonvested quarterly supplemental payments by the State Teachers' Retirement System from any money in the Retirees' Purchasing Power Protection Account in the Teachers' Retirement Fund (TRF) and from certain net revenues from school lands and lieu lands and deposited in the TRF

This bill would also require that each warrant issued by the Controller for a quarterly IDDA or quarterly TRF payment be accompanied by a specified statement regarding the contingent nature of those payments

Ch 124 (AB 168) Leonard Potash royalties schools

Existing law requires the Treasurer to apportion federal mining royalties for potash deposits located in the Trona Joint Unified School District and the Kern Community College District to those districts according to a specified formulation

Also under existing law, the first $2,000,000 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

This bill would exempt the provisions regarding the payment of potash royalties to the Trona Joint Unified School District and the Kern Community College District from the requirement that the first $2,000,000 of federal mining royalties received by the state be deposited in the Surface Mining and Reclamation Account and would provide for the allocations to be made by the Controller instead of the Treasurer. The bill would state that it is the intent of the Legislature that this change in the law apply retroactively to July 1, 1986.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 125 (AB 180) Harris Criminal trials· peremptory challenges

Under existing law, if an offense is punishable by death or by life imprisonment, the defendant and the state are each entitled to 26 peremptory challenges

This bill would reduce the number of peremptory challenges for the defendant and for the state in such cases to 20 each.

Ch. 126 (AB 254) Stirling. Mobilehomes

Existing law, the Mobilehome Residency Law, governs the relationship between the management and homeowners of mobilehome parks

This bill would require the Mobilehome Residency Law to be incorporated by reference into mobilehome park rental agreements, and that a copy of that law be attached thereto This bill would also require the management of a mobilehome park to provide all homeowners with a new copy of the Mobilehome Residency Law prior to February 1 of each year, if any significant change was made in that law by legislation enacted in the prior year.

Ch 127 (AB 290) McClintock Petitions.

Existing law provides that if the number of signatures appearing on an initiative or referendum petition as filed with the Secretary of State are sufficient to qualify the

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

petition for the ballot, the Secretary of State must inform the several county clerks of that fact. The county clerks, in turn, must determine the number of qualified voters who have signed the petition. The county clerks may, under specified conditions, utilize a sampling technique for purposes of verifying the signatures After verifying the signatures, the several county clerks must then certify to the Secretary of State the results of their examination.

Existing law, additionally, provides that if the certificates received from all the county clerks establish that the number of valid signatures do not equal 90% of the number needed to find the petitions sufficient, it shall be deemed to have failed If the signatures total more than 110% of the number needed to qualify the petition, the petition must be deemed to qualify as of the date of receipt by the Secretary of State of certificates showing the signatures to have reached 110% If the certificates show that the number of signatures are between 90 and 110%, each signature must be verified by the clerks.

This bill would provide that if the certificates from the statistical sampling indicate that the number of valid signatures do not equal 95%, rather than 90%, the petition shall be deemed to have failed

Existing law requires the clerks, within 30 days after receipt of the order from the Secretary of State, to determine from the records of registration what number of qualified voters have signed the petition

This bill would exclude Saturdays, Sundays, and holidays from the 30-day period.

Ch. 128 (AB 362) Harris. Probate trusts.

Existing law operative July 1, 1987, enacts a division in the Probate Code entitled the "Trust Law," which will be applicable generally to all trusts regardless of whether the trusts had been created on that date and generally to all proceedings concerning trusts commenced before July 1, 1987.

This bill would, operative July 1, 1987, (1) make various technical changes in those provisions and related provisions of law, (2) extend the general definition of "trust" for purposes of the Probate Code to include all charitable trusts rather than excluding those charitable trusts which are not subject to the jurisdiction of the Attorney General, (3) provide that neither the general definition of "trust" nor the Trust Law is intended to prevent the application of the Trust Law, under specified circumstances, to an entity or relationship excluded from the general definition of "trust", (4) change the accounting requirements for trustees of certain living trusts and testamentary trusts which are removed from the continuing jurisdiction of the court, as specified, (5) authorize a trustee of a trust terminated because of uneconomically low principal to distribute the trust property to the living beneficiaries on an actuarial basis under specified circumstances, (6) specify that the power to appoint or distribute income or principal to others under a trust may not be used to discharge the legal obligations of the person holding the power; (7) provide that the lease of 4 or fewer residential units does not constitute the operation of a business for purposes of the power of a trustee to continue business operations, except as specified; (8) provide that a provision eliminating, except as specified, the necessity for otherwise required notice to heirs, devisees, and legatees of a decedent or testator with respect to persons who may be members of such a class based on a stepchild-stepparent or foster child-foster parent relationship, is applicable to any such requirement contained in the Probate Code, rather than only the provisions of that code relating to administration of estates, (9) specify the allocation of future federal estate tax increases regarding excess retirement accumulations, as specified; and (10) make related, clarifying changes.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 129 (AB 497) Mountjoy 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 request of an affected person, the department is required to, hold a public hearing on the issuance of the permit unless it finds and determines that the issues proposed to be raised have been sufficiently considered previously, as specified.

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

This bill would delete the above provisions relating to holding public hearings in connection with the issuance of an airport permit

Ch 130 (AB 560) Frizzelle. Vehicles. odometers.

(1) Existing law requires any person repairing or replacing an odometer on vehicles under 6,001 pounds to report specified information to the Department of Motor Vehicles

This bill would delete that requirement, and instead would require an adjustment notice to be affixed to the doorframe of any vehicle and if the odometer is incapable of registering the same mileage before its service, repair, or replacement, prohibit removal or alteration of the notice, thereby imposing 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 131 (AB 798) Zeltner Domestic violence

Existing law authorizes certain specifically named peace officers who are at the scene of a domestic violence incident involving a threat to human life or a physical assault to take certain firearms into temporary custody

This bill would delete the limitation upon the kind of firearms that may be taken into temporary custody

This bill would incorporate additional changes in Section 12028 5 of the Penal Code, proposed by AB 416, to be operative only if both bills are chaptered and this bill is chaptered last.

Ch 132 (AB 1289) Mountjoy County measures review

Existing law provides that whenever any county measure, as defined, qualifies for a place on the ballot, the county clerk shall transmit a copy of the measure to the county counsel, or to the district attorney where the county has no county counsel.

This bill would require the clerk to also transmit a copy of the county measure to the county auditor.

This bill would provide that the board of supervisors, not later than 88 days prior to an election which includes a county ballot measure, may direct the county auditor to review the measure and determine whether it would affect the revenues of expenditures of the county It would require the county auditor to prepare a fiscal impact statement, up to 500 words, to be printed preceding the arguments for and against the measure

Ch 133 (AB 480) McClintock Litter cleanup

Existing law imposes minimum fines for specified littering offenses A court may also require a defendant convicted of a 2nd or subsequent offense to pick up litter as a condition of probation, as specified

This bill would increase the minimum fines for all of those specified litter offenses The bill would also authorize a court to require a defendant to pick up litter for a 1st or subsequent offense, as specified

The bill would also make technical changes to specified Penal Code provisions.

Ch 134 (AB 439) Vasconcellos Fiscal affairs.

(1) Existing law sets the compensation of trial jurors in civil and criminal cases at $25 per day unless a different fee of not less than $10 per day is set by county ordinance.

This bill would establish that compensation at $5 per day unless a different fee of no more than $10 is set by county ordinance. The bill would establish the fee at $5 per day for those jurors who are required to remit the compensation to his or her employer.

(2) Existing law provides that in all counties no trial juror shall be required during any 12-month period to serve more than 10 court days, except as necessary to complete

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

the hearing of an action

This bill would delete this provision, and would, instead, authorize the board of supervisors of any county, by ordinance, to so limit jury service.

(3) Existing law provides for the judicial arbitration of disputes, where the amount in controversy does not exceed $25,000, in superior courts with 10 or more judges, and in other superior courts if provided for by local rule, and for the judicial arbitration of disputes in municipal courts if provided for by local rule Existing law provides that the costs of judicial arbitration shall be paid by the county and the parties.

This bill would provide that judicial arbitration applies only in those counties in which the board of supervisors has authorized it and agreed to pay the costs.

(4) Existing law requires the governing boards of all school districts, and all county offices of education, to offer fingerprinting programs, as specified, and to notify parents or guardians of these programs, as specified

This bill would delete the requirement that the boards, or the county offices, offer fingerprinting programs and, instead, would authorize the boards, and the county offices, to offer these programs at their discretion

This bill would require that notice be given to parents or guardians only by school districts that elect to provide the fingerprinting programs

(5) Existing law requires a school employee to mail a written notice containing specified information to the parent or guardian of a suspended pupil within one school-day of the beginning of a suspension.

This bill would repeal those provisions and, instead, would require only that the parent or guardian be notified in writing of a pupil suspension

(6) Existing law also provides that the pupil or the pupil's parent or guardian shall have the right to request a meeting with the superintendent or the superintendent's designee, if the suspension of a pupil is ordered by the principal, and requires that this meeting be held, as specified, within 3 days of the request

This bill would authorize each school district to establish a policy that permits school officials to conduct a meeting with the parent or guardian of a suspended pupil to discuss matters pertinent to the suspension

(7) Existing law provides for the implementation of Article XIII B of the California Constitution by statutorily defining various terms used in that article The law, with respect to school districts, defines the term "proceeds of taxes," as that term is used to determine the appropriations subject to limitation of a school district, to include subventions from the state only if the subventions are for one of two purposes (a) basic aid subventions per average daily attendance, or (b) additional apportionments which, when added to the district's local revenues, as specified, do not exceed the "foundation program level" for that type of district

The foundation program level is defined as a separate base amount for elementary, unified, and high school districts, to be increased each year by the lesser of the change in the cost-of-living or California per capita personal income for the preceding year

This bill would change the definition of "foundation program level" for the 1986–87 fiscal year and thereafter to provide a higher base level, as specified, for each type of district, to be increased each fiscal year thereafter by the same formula

(8) Existing law requires the superior court in each county to establish, maintain, and publish a list of recommended court interpreters The State Personnel Board establishes minimum standards for proficiency and administers appropriate examinations therefor.

This bill would require the State Personnel Board to establish, maintain, and publish the list of recommended court interpreters. The bill would also authorize the board to levy a fee on interpreter applicants sufficient to cover the costs of examinations and of producing and distributing that list of qualified interpreters pursuant to specified provisions of law

(9) Existing law requires probation officers to prepare a probation report in cases involving a defendant who has been convicted of a felony. Existing law requires the probation officer to include in his or her report a statement of the comments of the victim of a crime concerning the offense

This bill would eliminate the requirement that the probation officer include a state-

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

ment by the victim in his or her report and, instead, would authorize the inclusion of the victim's statement by the probation officer

(10) Existing law generally provides that a probation officer shall cause an affidavit alleging that a minor is within the jurisdiction of the juvenile court on the basis of criminal conduct to be taken to the prosecuting attorney if he or she determines that proceedings to declare the minor a ward of the juvenile court should be commenced. However, other provisions require a probation officer to so refer affidavits alleging that a minor committed any of designated felonies, as specified.

This bill would delete the above-described provisions requiring referral of affidavits to the prosecuting attorney.

(11) Pursuant to Chapter 2 of the Statutes of 1978, local public entities were required to make contributions to finance unemployment insurance coverage of their employees.

In 1984, a California Court of Appeal held that the state was required to reimburse local public entities for the costs of these contributions. To carry out this decision, Chapter 1217 of the Statutes of 1985 and the Budget Act of 1986 included provisions to reimburse local public entities for these costs for the 1984–85, 1985–86, and 1986–87 fiscal years

This bill would repeal these provisions and would revert the undisbursed balance of those appropriations to the General Fund.

(12) Chapter 1217 of the Statutes of 1985 permitted higher levels of unemployment benefits to be received by employees of local public entities Pursuant to the 1984 California Court of Appeal decision mentioned above, Chapter 1217 of the Statutes of 1985 included a provision for reimbursement of affected local public entities from the State Mandates Claims Fund

This bill would repeal that reimbursement provision in light of a 1987 California Supreme Court decision which substantially overrules the 1984 California Court of Appeal decision mentioned above.

(13) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 135 (SB 152) Alquist. 1987–88 Budget. [3]

This bill would make appropriations for support of state government for the 1987–88 fiscal year

The bill would take effect immediately as an urgency statute

Ch 136 (AB 306) Hayden Community college financing

Existing law provides a mechanism for the financing of community colleges Existing law requires that the Chancellor of the California Community Colleges convene a task force regarding the development of a new funding mechanism for the community colleges, as specified. Pursuant to existing law, the existing funding mechanism shall become inoperative on July 1, 1987, and shall be repealed as of January 1, 1988.

This bill would, instead, provide that the current funding mechanism would become inoperative on July 1, 1989, and would be repealed as of January 1, 1990

This bill would also make various changes in the method of calculating allocations for specified years from 1986–87 to 1988–89, inclusive

This bill would require the Chancellor of the California Community Colleges to develop a plan for an accountability reporting system for the community colleges in accordance with, but not limited to, the system described in a specified report prepared pursuant to Chapter 1465 of the Statutes of 1986. The bill would require the chancellor to provide a written description of the system, as so developed, to the Legislature.

This bill would require that the plan explain how the accountability reporting system would be related to, and would build upon, the chancellor's specified proposed management information system.

This bill would declare that it is to take effect immediately as an urgency measure.

Ch. 137 (AB 906) O'Connell. PERS retirees· post-retirement CSU academic employment.

The existing Public Employees' Retirement Law prohibits, with specified exceptions, post-retirement employment of a PERS retiree by the state, a school employer, or a

---

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

contracting agency unless the person is reinstated in PERS. One exception is employment as a member of the academic staff of a California state university if that service does not exceed, in any fiscal year, a total of 90 days for all employers or 40% of the hours the member was employed during the last fiscal year of service prior to retirement

This bill would increase the maximum hour limit from 40% to 50%

This bill would declare that it is to take effect immediately as an urgency statute and that it shall become operative on July 1, 1987, or the effective date, whichever is the later.

Ch 138 (AB 472) Bradley. State employee-reinstatement of county mental health employees

(1) Under existing law, the State Department of Mental Health is required to transfer to designated local mental health programs, administrative, fiscal and program responsibilities for state-funded mental health social services programs pursuant to a county plan which, among other things, assimilates state staff. Existing law does not establish a procedure by which vacation and sick leave earned by those employees while employed by the county is to be credited upon the employee's reinstatement in state service.

This bill would require the sick leave and vacation leave hours owed to such an employee while employed by a county to be credited to that employee upon reentry to state service, except that any leave for which the employee receives monetary compensation from the county upon separation therefrom is deducted from the total amount of leave to which the employee is entitled.

The bill would further prohibit leave owed by the county to be credited to the employee upon reentry into state service if there was a permanent separation from county service for more than 6 months, or 5 years has elapsed since the employee was transferred from the state to the county

(2) The bill would make other technical changes

Ch. 139 (AB 878) Stirling Mental health.

Under the existing Lanterman-Petris-Short Act, after 72-hour involuntary detention, a dangerous or gravely disabled person may be certified for an additional period of not more than 14 days of involuntary intensive treatment. The person is entitled to a certification review hearing conducted by a court commissioner, referee, or a certification review hearing officer who is required to be a member of a designated class

This bill would include within the class of persons designated to be certification review hearing officers a licensed marriage, family and child counselor having a minimum of 5 years of experience in mental health.

Ch 140 (AB 2425) Sher. Regional park, park and open-space, or open-space districts.

Under existing law, the amount of indebtedness that may be incurred by a regional park, park and open-space, or open-space district for its purposes is limited to the anticipated tax revenue allocation for the next 4-year period derived from property taxes or the anticipated tax income for the next 10-year period from special property taxes or both, except that the East Bay Regional Park District is limited to the anticipated tax revenue allocation for the next 2-year period derived from property taxes or the anticipated tax income for the next 10-year period from special property taxes, or both. All districts are required to repay this indebtedness within 10 years, except that indebtedness incurred by the East Bay Regional Park District for acquisition of lands and facilities designated in the district's master plan is required to be paid within 30 years from the date it is incurred.

This bill would increase the amount of indebtedness that may be incurred by these districts to an amount equal to the anticipated property tax revenue allocations for the next 5-year period or the anticipated tax income from special property taxes for the next 20-year period, or both. The bill would require this indebtedness to be repaid within 20 years, except that the East Bay Regional Park District would continue to have 30 years to repay specified indebtedness.

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

Ch. 141 (SB 404) Davis. Ventura County Municipal Court.

Existing law specifies the number, classification, and compensation of various Ventura County Municipal Court personnel.

This bill would revise, as specified, the number, classification, and compensation of those Ventura County Municipal Court personnel. In so doing, the bill 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 142 (SB 518) Deddeh. San Diego Metropolitan Transit Development Board.

Existing law authorizes members of the San Diego Metropolitan Transit Development Board, and their alternates, to be paid $100 for each day the member attends meetings of the board and committees thereof, not to exceed 5 committee meetings in any quarter.

This bill would, instead, authorize the board to fix the compensation of members by ordinance, after a public hearing, would change the number of compensable committee meetings to 6 per quarter, and would authorize members and alternates to be compensated, at an amount fixed by the board, for representing the board at meetings of other governmental entities and public agencies.

The bill would also authorize the board by ordinance, after a public hearing, until January 1, 1991, to provide additional compensation for its chairperson

Ch 143 (SB 751) L. Greene. Farmworker housing grants: disaster areas.

Under existing law, the Department of Housing and Community Development may provide grants under special conditions from the Farmworker Housing Grant Fund, a continuously appropriated fund, in counties in which a disaster has been declared by the Governor, for a period of 12 months following the declaration.

This bill would extend the above 12-month limitation for an additional 9 months in the case of the disaster declared due to the floods in northern California in February of 1986. By expanding the purposes for which these grants may be made from a continuously appropriated fund, this bill would constitute an appropriation measure

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 144 (AB 509) Jones. Property taxation· valuation of enforceably restricted land

Existing property tax law provides that, unless a party to an instrument which creates an enforceable restriction as to certain open-space land expressly prohibits such a valuation, the valuation of that land resulting from the capitalization of income method shall not exceed the valuation that would result by calculation under statutory provisions for the determination of "full cash value" of real property pursuant to Article XIII A of the California Constitution, as though the land was not subject to an enforceable restriction in the base year. Existing property tax law also requires each assessor to annually notify the parties to an instrument creating an enforceable restriction of the application of this valuation requirement unless either party expressly prohibits that valuation.

This bill would modify this valuation requirement by providing that the valuation of open-space land resulting from the capitalization of income method shall not exceed the lesser of the valuation that would have resulted by calculation under either statutory provisions for the determination of unrestricted "full cash value" or statutory provisions for the determination of "full cash value" pursuant to Article XIII A of the California Constitution

This bill would remove the requirement relating to the assessor's notification of the parties to an instrument creating an enforceable restriction of that method of valuation

Ch. 145 (AB 833) Costa. Prisons.

Under existing law, the Department of Corrections is authorized to establish various

---

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

prisons.

This bill would require the department to perform a preliminary evaluation of sites for the purpose of potentially constructing a prison in or near Coalinga.

This bill would appropriate $50,000 from the 1986 Prison Construction Fund to the Department of Corrections for that purpose and for additional purposes

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 146 (SB 609) Deddeh Vehicles· size, weight, and load.

Existing law authorizes semitrailers in exclusive combination with a truck tractor not in excess of 48 feet in length to be operated on specified highways

This bill would provide that specified semitrailers not more than 53 feet in length satisfy that requirement The bill would make findings and declarations regarding the provision and would declare that it is to take effect immediately as an urgency statute.

Ch. 147 (SB 689) Vuich. Wine.

Under the laws relating to the California Wine Commission, the commission is authorized to levy assessments on vintners

This bill would authorize vintners to apply to the commission for an exemption from the requirement to pay assessments, or for a refund of assessments paid, for that portion of a vintner's production which is used for the manufacture of nonalcoholic beverages other than nonalcoholic wine

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 148 (AB 141) Stirling. State highways traffic control San Diego County

Under existing law, the Department of Transportation has full possession and control of all state highways

This bill would require the department, in consultation with the Department of the California Highway Patrol, to study the feasibility of establishing a traffic control center in San Diego County. The department would be required to report its findings and recommendations to the Legislature on or before January 1, 1989

Ch. 149 (AB 387) Moore Personal records telephone records.

Existing law requires a subpoena duces tecum for the production of personal records to be served in sufficient time to allow the witness a reasonable time to locate and produce the records or copies thereof. The law defines personal records as, among other things, writing pertaining to a consumer and which are maintained by any telephone corporation, and requires prior service on the consumer, as specified Existing law also prohibits telephone and telegraph corporations from disclosing certain information concerning residential customers or subscribers without consent except in specified instances, including disclosure pursuant to a warrant issued by a superior court

This bill would provide with respect to the provision concerning subpoenas duces tecum for personal records that, with respect to personal records maintained by a telephone corporation, a subpoena duces tecum is not valid unless it contains the consumer's consent to release, and in all cases would require prior service on the consumer, as specified. The bill would also revise the exception to the provision that prohibits telephone and telegraph corporations from disclosing information without consent to permit disclosure to law enforcement agencies pursuant to lawful process rather than pursuant to a warrant.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 150 (AB 464) N Waters Peace officers.

Under existing law, specified persons are peace officers while engaged in the performance of their duties, as specified

This bill would provide that firefighter/security guards employed by the Military Department are peace officers

Ch. 151 (AB 1144) N. Waters Courts El Dorado County.

Existing law provides for the consolidation of justice court districts by the board of supervisors of a county into municipal court districts having a population of 40,000 or

---

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

more.

This bill would provide that, in the event the Board of Supervisors of El Dorado County consolidates the Ponderosa Judicial District, the Placerville Judicial District, and the Lake Valley Judicial Districts, any municipal court established in the consolidation shall have 3 judges.

Ch 152 (AB 1309) N. Waters. Agriculture.

(1) Under the Thurman Agricultural Policy Act, the Legislature is required to review the impact of actions taken on specified factors relating to agriculture.

This bill would add energy rates, rate structures, recycling agricultural byproducts, and applied new technologies, as specified, to those factors.

(2) Under the Unclaimed Property Law, generally, intangible personal property escheats to the state if the owner of record has not corresponded concerning the property for 7 years.

This bill would exempt any proprietary interest in an agricultural cooperative from the escheat laws, if specified conditions are met, so that the interest would become the property of the association rather than being transferred to the state

(3) Under the Foreign Market Development Export Incentive Program for California Agricultural Act, the Director of Food and Agriculture, the Director of General Services, and advisory committees created under the act are required to take necessary precautions to assure the confidentiality of specified information submitted by marketing organizations

This bill would specifically exempt this information from the California Public Records Act.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 153 (SB 233) Davis Department of Transportation· study: wrong way traffic

Under existing law, the Department of Transportation is responsible for the design and construction of freeways and freeway onramps and offramps.

This bill would require the department, in consultation with the Department of the California Highway Patrol, to conduct a study, and submit the results thereof to the Legislature by January 1, 1989, on methods of preventing or reducing the incidence of drivers entering or leaving freeways in the wrong direction.

Ch 154 (SB 287) Maddy. Horseracing· horsemen's organizations.

(1) Under the Horse Racing Law, specified amounts are required to be distributed from horseracing parimutuel wagering pools to horsemen's organizations representing various breeds of horses for specified purposes.

This bill would require a horsemen's organization to be incorporated under the laws of this state in order to receive a distribution or deduction under the Horse Racing Law, except that an organization could be incorporated in another state until January 1, 1991, if specified conditions exist. The bill would require each corporation to represent a majority of the horsemen with respect to the breed represented and would require the board to determine initially the organization which represents California horsemen with respect to each breed. The bill would require the distribution or deduction to be used only for the benefit of California horsemen. Since a violation of this provision would be a misdemeanor under other provisions, 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

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 155 (AB 371) N. Waters. Agricultural export promotion.

Under the Foreign Market Development Export Incentive Program for California

---

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

Agriculture Act, project agreements may be entered into between the Department of Food and Agriculture and cooperators in order to address constraints and encourage the marketing of agricultural commodities in foreign countries "Cooperator" is defined to mean a private or nonprofit agricultural marketing organization or a state marketing order board or commission.

This bill would include in the definition of "cooperator" a nonprofit trade association, whose members market agricultural commodities, which has demonstrated expertise in the promotion of agricultural commodities, and a federal marketing order board for California produced agricultural commodities. The bill would also state that funds from a federal marketing order board for California-produced commodities may be counted as a contribution from a cooperator.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 156 (SB 29) Ayala. Milk production.

(1) Existing law establishes financial requirements for handlers of manufacturing and marketing milk.

This bill would revise those requirements, including bonding requirements, a violation of which would be a misdemeanor. Thus, the bill would impose a state-mandated local program by creating a new crime

(2) Existing law specifies subjects that contracts between manufacturing milk producers and handlers are required to cover.

This bill would exempt certain contracts between these persons from these requirements and would impose other requirements on handlers who fail to pay for milk delivered to them.

(3) Existing law requires dairy distributors, wholesalers, manufacturers, and handlers to retain specified records for one year after recordation or expiration

This bill would increase that period of retention to 3 years. Since violation of this requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(4) Existing law specifies contract and payment requirements between market milk producers and handlers.

This bill would delete, revise, and recast provisions regarding those requirements.

(5) Existing law does not establish a milk producers security trust fund.

This bill would create a Milk Producers Security Trust Fund to be administered by the Director of Food and Agriculture and a Milk Producers Security Trust Board. The board would consist of 7 members appointed by the director.

The director would be required to collect specified security charges from milk handlers, with a specified exemption for producer-handlers, which would be deposited in a bank or other depository in order to fund the trust fund. The bill would authorize the director to impose additional security charges necessary to cover the cost of the Department of Food and Agriculture in administering these provisions. The money would be exempt from various financial control requirements that otherwise apply to state funds.

The bill would permit producers to submit claims against the trust fund for nonpayments under a specified procedure. The amount recoverable from the trust fund would be determined pursuant to a specified formula.

(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 bill would declare that it is to take effect immediately as an urgency statute.

Ch. 157 (SB 138) Presley. Peace officers.

(1) Existing law describes those persons who are designated as peace officers. Existing law provides that every person so described shall receive a course of training prescribed by the Commission on Peace Officer Standards and Training.

This bill would require every person described as a peace officer to satisfactorily complete, rather than receive, an introductory course of training prescribed by the

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

commission. The bill also would specify that, on or after July 1, 1989, the satisfactory completion of a course shall be demonstrated by passage of an appropriate examination developed or approved by the commission.

(2) Existing law allows certain peace officers to fulfill the course requirement described in (1) above as part of a prescribed training program.

This bill would include within this provision peace officer members of the California Highway Patrol

(3) Under existing law, there is in state government a Peace Officers' Memorial Commission with specified membership and duties Existing law also provides for a Peace Officers' Memorial Account in the General Fund, which is continuously appropriated Under existing law, both the provisions establishing the commission and the account are to remain in effect only until January 1, 1988, and as of that date are repealed.

This bill would extend the effective date of these provisions one year by postponing the repeal date from January 1, 1988, to January 1, 1989 To the extent that the bill would continue for one year the Peace Officers' Memorial Account, a continuously appropriated fund, the bill would make an appropriation.

Ch. 158 (AB 121) Jones. United States-grown produce

(1) Existing provisions of law regulating contracting by public entities does not require that preference be given to the purchase of United States-grown produce or processed foods

This bill would impose a state-mandated local program by requiring any public entity, as defined, including any school district or community college district, when purchasing food, to give preference to domestically grown produce or processed foods when there is a choice and it is economically feasible.

(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 159 (AB 181) Harris. Civil rights. bases of discrimination. physical disability.

Existing law relating to civil rights provides, generally, that (1) all persons no matter what their sex, race, color, religion, ancestry, or national origin are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever; (2) no business establishment of any kind whatsoever shall discriminate against, boycott or blacklist, refuse to buy from, sell to, or trade with any person in this state because of the race, creed, religion, color, national origin, or sex of that person; (3) no franchisor shall discriminate in the granting of franchises solely because of the racial, ethnic, religious, or national origin composition of a neighborhood or geographic area in which the franchise is located; and (4) every restriction or prohibition relating to the acquisition, use, or occupation of real property which is based on sex, race, color, religion, ancestry, or national origin is void. Existing law provides similar, but less inclusive, civil rights provisions with respect to blind and other physically disabled persons.

This bill would include blindness or other physical disability within the bases of discrimination prohibited by these general civil rights provisions. This bill would also provide that it shall not be construed to require any construction, alteration, repair, or modification to any existing establishment, facility, building, improvement, or any other structure, or to augment, alter, or restrict the authority of the State Architect, as specified

---

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

Ch. 160 (AB 66) Wright. Children's mental health.

Existing law requires the State Department of Mental Health to contract with the County of Ventura for establishment of a 2-year demonstration project on a children's mental health service delivery system. Pursuant to existing law the project is scheduled to terminate on June 30, 1987. The demonstration project requires each county, by January 1, 1987, to have a plan for the development of services for seriously emotionally disturbed children and to indicate in the county Short-Doyle Plan for the 1986–87 budget its program in developing the local plan.

This bill would extend the demonstration project for one year to begin on July 1, 1987, and to terminate June 30, 1988, thereby continuing to impose requirements on Ventura County, thus constituting a state-mandated local program.

The bill would require the extension of the demonstration project to be funded first from unexpended funds and savings identified by the department in the 1986–87 fiscal year Budget Act appropriation for the demonstration project. The bill would require any additional funds required to be obtained from unexpended funds and savings identified in the 1985–86 fiscal year Budget Act appropriation for local assistance under the Short-Doyle Act, excluding any funds appropriated for a particular purpose. This bill would reappropriate these funds for that purpose. The bill would impose a state-mandated local program by requiring Ventura County to cooperate in identifying the unexpended funds and savings in the demonstration project

This bill would validate acts and proceedings taken on and after June 30, 1987, to and including the effective date of this bill purporting to carry out the provisions of 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 provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 161 (AB 774) Harvey. Agriculture

(1) Under existing law, until July 1, 1988, every grower of cotton in the state is required to pay a maximum fee of $2 for each bale of cotton ginned, or for each bale of cotton the grower sold in the state if the cotton was received under the federal payment-in-kind program, to the Director of Food and Agriculture for the administration of a program to control, suppress, or eradicate cotton boll weevil or pink bollworm.

This bill would delete the July 1, 1988, termination date to impose the fee permanently. Since these fees are continuously appropriated from the Department of Food and Agriculture Fund, the bill would make an appropriation.

(2) Under existing law, there is in the Department of Food and Agriculture a Feed Inspection Advisory Board consisting of 5 persons appointed by the director, who may also appoint a public member

This bill would increase the membership of the board to 8 persons plus the public member The bill would also delete provisions for alternate members of the board.

(3) Under existing law, specified funds deposited in the Department of Food and Agriculture Fund are continuously appropriated to the department Existing law also establishes the Acala Cotton Fund, and the money in the fund is continuously appropriated to the department.

This bill would abolish the Acala Cotton Fund and instead would require the money which would have been deposited in that fund to be deposited in the Department of Food and Agriculture Fund and to be continuously appropriated to the department

(4) Existing law authorizes the Acala Cotton Board to require that all Acala seed sold for planting be certified if the board determines that contaminated seed is being sold.

This bill would instead authorize the board to require that all Acala cottonseed delinted for planting be certified if the board determines that contaminated seed is being used.

(5) Under existing law, any person who, or organization which, engages in the reproduction, sale, and distribution of Acala cottonseed for planting purposes is required to pay to the director an assessment fee in an amount not to exceed $2 per hundredweight

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

of undelinted seed on all planting seed sold within the one-variety cotton district.

This bill would instead levy the $2 assessment on any person who has Acala cottonseed delinted for planting purposes. The bill would also require cottonseed delinters, as defined, to provide the director with specified information regarding persons who have cottonseed delinted. Violation of these requirements would be a misdemeanor; thus the bill would impose a state-mandated local program by creating a new crime.

(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 bill would declare that it is to take effect immediately as an urgency statute.

Ch. 162 (AB 2569) Moore. CERL cost-of-living adjustments funding sources.

A provision of the County Employees Retirement Law of 1937 authorizes the board of supervisors to fund certain cost-of-living adjustments from county advance reserves under specified conditions

This bill would authorize that funding from the county general fund, rather than the county advance reserves.

Ch. 163 (AB 386) Moore. Telephone service: universal.

(1) Under existing law, operative until July 1, 1988, and terminated on January 1, 1989, the Public Utilities Commission has designated a class of universal telephone service, as prescribed, for subscribers meeting certain income and other criteria established by the commission.

This bill would repeal and reenact these provisions and would specify that a universal telephone service subscriber's allowance be reduced by the amount of any credit or allowance authorized by the Federal Communications Commission.

(2) Existing law imposes, until July 1, 1988, a tax not to exceed 4%, as specified by the commission, of gross revenues from intrastate telecommunications services for purposes of maintaining universal telephone service, requires telephone corporations to pay these amounts to the State Board of Equalization for deposit in the Universal Telephone Service Fund, and continuously appropriates the money in the fund to the Controller for purposes of establishing and maintaining universal telephone service.

This bill would repeal the above provisions, excepting the continuing appropriations from the Universal Telephone Service Fund, which would be continued in effect until July 1, 1988. The bill would also, instead, direct the commission to require every telephone corporation providing universal telephone service to annually file a statement of projected revenue needs to meet the funding requirements for that service, require the commission to give interested parties an opportunity to comment on the proposed funding requirements and funding methods, require any order issued by the commission to require that the funding requirement be in the form of a surcharge to service rates, exempt universal service subscribers from any surcharge, and require the commission to permit adjustment by telephone corporations operating between service areas of any service rates affected by any surcharge. Since a violation by a telephone corporation of the commission's rules or orders in this regard would, under other provisions, be a crime, 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.

(4) The bill would appropriate $160,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account in the General Fund for purposes of the bill, as specified.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 164 (AB 1920) Sher. Williamson Act: Department of Conservation report

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) require the Department of Conservation to submit a report containing specified information relating to the cancellation of land conservation contracts to the Legislature on or before May 15, 1987, and on or before May 15 of each year thereafter, but only if the Legislative Analyst determines on or before a specified date each year that sufficient funds are appropriated by the annual Budget Act to make that report

This bill would eliminate the above condition upon the department's making of the report

Ch. 165 (SB 18) Presley. Prisons

Existing law authorizes the Department of Corrections to construct and establish 6 work-based medium security prisons and 2 service facilities of lesser security with at least one site in Los Angeles County and one site in Riverside County. Existing law also authorizes a prison in Riverside County in a provision only dealing with Riverside County.

This bill would eliminate the provisions relating to the Riverside County Prison from the provision dealing with both Los Angeles and Riverside It would, instead, provide that the Legislature designates and approves sites for 2 facilities in Los Angeles County, and would authorize the Department of Corrections to construct and establish 2 facilities in Los Angeles County The 1st would be a 1,250-bed reception center, with an additional 200-bed service facility, and the 2nd would be a 2,000-bed prison, with an additional 200-bed service facility It would require the department to prepare an environmental impact report for the reception center, in Los Angeles County at a site designated by specified boundaries. It would provide that the prison shall be built on a designated site, but if the Department of Corrections determines not to carry out the project at that site it would require the Department of Corrections to designate alternative sites for the prison within a described area, subject to legislative approval.

The bill would impose various duties on the department with respect to prisons or reception centers constructed within the specified boundaries in Los Angeles County, including requiring the department to report to a joint legislative committee listing the criteria used to evaluate prison sites in Los Angeles County from January 1, 1980, to December 31, 1986, inclusive, and requiring the department to submit a schedule and monthly progress reports to several legislative committees It would also provide that significant adverse effects identified in the environmental impact reports for the facilities shall to the extent feasible be mitigated in accordance with the requirements of the California Environmental Quality Act in order to minimize the impact of those effects.

The bill would eliminate a requirement that legislative policy committees review and approve sites, plans, and drawings for the Los Angeles County facilities and a San Joaquin County women's facility. The bill would also require construction to have commenced on the 2,000-bed Los Angeles County prison prior to the allocation of funds for the Los Angeles County reception center, and would require construction to have commenced on the Los Angeles County reception center before allocation of funds for the occupancy of the 2,000-bed Los Angeles County prison, as specified. It would prohibit these facilities from being located in the same senatorial or Assembly district It would also exempt both Los Angeles facilities from certain requirements of the California Environmental Quality Act relating to review periods, consideration of alternative sites, and to actions challenging environmental impact reports, and would make related changes The bill would require the certification of the environmental impact report for the reception center to be done by a panel, as specified

The bill would authorize the acquisition of property for the reception center, but would require the property to be held by the State Lands Commission until completion of the environmental impact report and related actions.

Existing law requires that construction for a Los Angeles facility be commenced prior to occupancy of the San Joaquin County women's facility Existing law also provides that funds for the occupancy of a San Diego prison shall not be allocated until a specified prison site is designated and approved.

This bill would provide that funds for the occupancy of the San Joaquin facility shall

---

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

not be allocated until a Los Angeles prison site is designated.

The bill would also provide that, upon the operative date of the bill, the site designation requirement for the San Joaquin facility and the site designation and approval requirement for the San Diego facility shall be deemed to be met.

Existing law appropriates $114,600,000 from the 1986 Prison Construction Fund for construction of the Los Angeles prison authorized by a 1982 act.

This bill would reappropriate that amount for the construction of the Los Angeles reception center.

This bill would appropriate $31,400,000 from the 1984 Prison Construction Fund and the 1986 Prison Construction Fund, as specified, for the reception center and would appropriate $2,000,000 from the 1986 Prison Construction Fund for the 2,000-bed prison, and would appropriate $147,000,000 from the 1988 Prison Construction Fund for the 2,000-bed prison, reception center, or combination thereof, as specified

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 166 (AB 1400) Duplissea. Driving offenses: Youthful Drunk Driver Visitation Program.

Under existing law, persons who are convicted of driving a motor vehicle while under the influence of an alcoholic beverage or any drug, or both, with an excessive blood-alcohol concentration, or while addicted to any drug, after sentencing, may be granted probation. Existing law requires certain minimum terms and conditions to be imposed if probation is granted and provides optional and mandatory alcohol and drug education, treatment, and assessment programs in which participation may be imposed as an additional condition of probation.

This bill would enact the Youthful Drunk Driver Visitation Program Act, which would authorize the court to order the participation of such a person, with his or her consent, as a term and condition of probation, in a program of visitation to specified emergency medical care facilities, coroner's facilities, or chronic alcoholism treatment centers, if those facilities are made available to the court, under specified supervision. Preference for participation in the program would be given to persons who were 18 to 21 years of age, inclusive, at the time of the offense.

The bill would also provide immunity from civil liability for persons and entities involved in the program, as specified

Ch. 167 (AB 1519) Seastrand. Children: child abuse records.

Existing law generally provides for the confidentiality of reports of child abuse, which may only be disclosed as specified.

This bill would authorize the disclosure of reports of child abuse to hospital scan teams, as defined and as specified.

Ch. 168 (AB 1674) Johnston. Life insurance.

Existing law requires any policy, contract, or certificate providing life insurance under a plan which provides for future premiums determination, the amounts of which are to be determined by the insurance company based on their estimates of future experience, or in a case of any plan of life insurance or annuity which is of such a nature that the minimum reserves or minimum values cannot be determined under prescribed provisions, must be filed with the Insurance Commissioner before it can be marketed, issued, delivered, or used in the state.

This bill would provide that nothing in those provisions is to be construed as requiring or providing for the prior approval by the commissioner of individual life insurance policy forms prior to the time such policy forms are marketed, issued, delivered, or used in this state

Ch 169 (AB 1703) Peace. Workers' compensation: private self-insured employers.

Existing law requires every private self-insuring employer to secure incurred liabilities for the payment of compensation by renewing the prior year's security deposit or by making a new deposit of security, with the minimum deposit being 125% of the private self-insurer's estimated future liability plus an amount determined by the Direc-

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

tor of Industrial Relations to secure payment of all administrative and legal costs relating to, or arising from, the employer's self-insuring, but not less than $200,000.

This bill would, instead, provide a minimum deposit of 125% of the self-insurer's estimated future liability for compensation to secure payment of compensation plus 10% of the private self-insurer's estimated future liability for compensation to secure payment of all administrative and legal costs relating to, or arising from, the employer's self-insuring.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 170 (AB 2071) Hauser. Forest practices.

Under the Z'berg-Nejedly Forest Practice Act of 1973, a timber owner is required to file a stocking report with the Department of Forestry and Fire Protection within 5 years after completion of timber operations on areas identified in the timber harvest plan work completion report filed with the department

This bill would authorize a timber owner to file a separate stocking report for areas in a timber harvest plan which meet stocking requirements upon completion of timber operations. The bill would also make technical changes.

Ch. 171 (AB 2423) Sher. Environmental impact reports: resource recovery projects.

Existing law generally requires all local agencies to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment, including, but not limited to, resource recovery projects which burn municipal waste or refuse-derived fuel other than those for which the State Energy Resources Conservation and Development Commission has assumed jurisdiction pursuant to the Warren-Alquist State Energy Resources Conservation and Development Act.

This bill would specify that this requirement extends to resource recovery projects which burn tires.

Ch. 172 (AB 1007) Tanner. South Coast Air Quality Management District: payment of salaries and expenses.

Under the existing Lewis Air Quality Management Act, the South Coast Air Quality Management District board is authorized to pay the salaries and expenses of the south coast district, except funds for debt service, by warrants drawn on the district treasurer.

This bill would, in addition, permit the district to issue checks drawn on a bank for district salaries and expenses.

The bill would make other related changes.

Ch. 173 (AB 1275) Bronzan Eligibility as surety on bail.

Existing law provides that no court or magistrate shall accept any person or corporation as surety on bail if any summary judgment for the forfeiture of a bail bond remains unpaid after the expiration of 20 days after service of notice of entry of that summary judgment.

Existing law provides, however, that if during that 20-day period any action or proceeding available in the law is initiated in the same or other court to determine the validity of the order of forfeiture or summary judgment rendered thereon, these provisions shall be inoperative until that action or proceeding has finally been determined This bill would require that for the above provisions to become inoperative, an appeal bond be posted, as specified

Existing law provides that the right to enforce a summary judgment against a bail bondsman in the event of a forfeiture, as specified, expires 2 years after the entry of the judgment.

This bill would provide an exception to the above provision if an appeal of the judgment is taken and remains undecided, in which case, the 2-year period extends until 30 days after the decision on appeal becomes final

---

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

Ch 174 (AB 1328) Eastin Crimes· investigation and control fingerprints.

Existing law requires the Department of Justice to develop a master plan recommending the type, number, and location of equipment necessary to implement a Remote Access Network (RAN), which is defined as a uniform statewide network of equipment and procedures allowing local law enforcement agencies direct access to the California Identification System maintained by the department for retaining fingerprint files and identifying latest fingerprints

Existing law requires each county or group of counties eligible to receive funding under the department's master plan for equipment which elects to participate in the RAN to establish a local board to determine the placement of RAN equipment within the county, and to coordinate acceptance, delivery, and installation.

This bill would provide that where a single county is eligible to receive funding, that county's RAN board shall be the local RAN board, and would provide that where a group of counties is eligible for funding, the local RAN board shall consist of a regional board

This bill would authorize a county which is part of a regional board to form a local RAN advisory board to provide advice and recommendations to the county's representatives on the regional RAN board. This bill would authorize the local RAN advisory board to appoint alternate members to the regional RAN board to serve and work in place of a regional RAN board member who is absent or who disqualifies himself or herself from participation in a meeting of the regional RAN board.

This bill would provide that if a vacancy occurs in the office of a regional RAN board in a county which has established a local RAN advisory board, an alternate member selected by the local RAN advisory board may serve and vote in place of the former regional RAN board member until the appointment of a successor

Ch 175 (AB 1389) Grisham Local fees

Under existing law, various fees are prescribed and charged with respect to service of process or official notices Public agencies are exempt from paying these fees, with certain prescribed exceptions These exceptions include, under certain conditions, a requirement that public agencies only pay fees when they have recovered a judgment; and that they pay prescribed fees in conjunction with the State Compensation Insurance Fund; private assets or obligations, water services, inspections; plan checking; permits; insurance, releases of judgments or liens, hazardous waste disposal; solid waste services; and writs of attachment, execution, possession, or sale.

This bill would authorize the sheriff, marshal, or constable, in connection with the service of process or notices, to require, notwithstanding specified existing provisions, that all fees required to be paid under other provisions of law be prepaid by public agencies and by persons or entities within the private sector prior to the performance of any official act. This authorization would not apply unless the requirement is imposed upon public agencies and upon persons or entities within the private sector, and would not apply to the service of process or notices in any action by the district attorney's office for the establishment or enforcement of a child support obligation The authorization to require prepayment would expressly apply to those fees payable under existing law only if a judgment is recovered by the public agency

Ch. 176 (AB 937) Condit Alcoholic beverages.

Existing law contained in the California Constitution vests in the state the exclusive right and power to license and regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages in this state. The law provides that no retail alcoholic beverage license shall be issued which is contrary to a valid zoning ordinance of any county or city.

This bill would prohibit, with a specified exception, any city, county, or city and county from adopting an ordinance or resolution on or after January 1, 1988, prohibiting the concurrent sale of motor vehicle fuel and beer and wine for off-sale consumption in zoning districts where the zoning ordinance allows motor vehicle fuel and off-sale beer and wine to be retailed on separate sites. These provisions also would provide that on and after January 1, 1989, no such ordinance or resolution adopted prior to May 5, 1987, shall have any effect. This bill would additionally provide that on and after July 1, 1988,

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

no such ordinance or resolution adopted on or after May 5, 1987, shall have any effect.

The bill would provide that the above provisions shall not prevent a city, county, or city and county from denying permission to engage in the concurrent retailing of motor vehicle fuel with beer and wine for off-premises consumption pursuant to a valid conditional use permit ordinance if the ordinance contains specified provisions.

The bill would prohibit, until January 1, 1990, establishments engaged in the concurrent sale of motor vehicle fuel with beer and wine for off-premises consumption from (1) displaying beer or wine within 5 feet of the cash register unless in a permanently affixed cooler, (2) advertising alcoholic beverages at motor vehicle fuel islands, (3) selling alcoholic beverages from a drive-in window, (4) displaying or selling beer and wine from an ice tub, (5) advertising beer or wine on motor fuel islands and prohibiting self-illuminated advertising for beer or wine on buildings or windows, or (6) employing persons under the age of 21 to sell beer and wine between the hours of 10 p.m. and 2 a.m. The bill would also provide that until January 1, 1990, any establishment, defined above, which has been found to have sold alcoholic beverages to a minor shall have its license suspended for 72 hours.

This bill would impose a state-mandated local program by adding new crimes since a violation of any provision of the Alcoholic Beverage Control 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. 177 (AB 939) Mojonnier. Rape: evidence of sexual conduct of child under age 14.

Existing law provides that in a prosecution for rape or rape by acting in concert with another person or for an assault with intent to commit or attempt or conspiracy to commit these offenses, or sodomy, oral copulation, or the penetration of the genital or anal openings by a foreign object, except as specified, evidence of the sexual conduct of an alleged victim, if offered to attack the credibility of the alleged victim, is admissible upon complying with a specific detailed procedure.

This bill would, in addition, require the same specific detailed procedure if evidence of the sexual conduct of an alleged victim is offered to attack the credibility of the alleged victim in a prosecution involving lewd or lascivious acts, as specified, upon a child under the age of 14 years.

Ch 178 (AB 550) Chandler Water treatment plants.

Existing law requires the State Department of Health Services to certify persons as to their qualifications to supervise or operate water treatment plants, as specified

Existing law authorizes the State Board of Public Health to establish fee schedules for the issuance and renewal of certificates which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient to, recover all costs incurred in the administration of these certification provisions.

Existing law requires various fees or charges for the issuance or renewal of any permit license, or registration under the jurisdiction of the State Department of Health Services to be adjusted annually by the percentage change printed in the Budget Act for those items.

This bill would include within the fees or charges to be annually adjusted in that manner, the fees for the certification of persons qualified to supervise or operate a water treatment plant

Ch. 179 (AB 576) McClintock. Earthquake insurance· offer certified mail

Existing law requires insurers issuing policies of residential property insurance to offer coverage for loss or damage caused by the period of earthquake. Under existing law, proof of mailing of the offer by certified mail postage prepaid, return receipt requested addressed to the named insured or applicant, creates a conclusive presumption that such an offer of coverage has been made.

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

This bill would, instead, provide that proof of mailing of the offer by first-class mail addressed to the named insured or applicant creates that conclusive presumption.

Ch. 180 (AB 852) Bane. Mortgages: Loans secured by real property

Existing law, with respect to foreclosure, specifies the forms of action for the enforcement of any right secured by a mortgage on real property, as specified

This bill would authorize any person authorized to make or arrange loans secured by real property to bring an action for recovery of damages, including exemplary damages not to exceed 50% of actual damages, against a borrower where the action is based on fraud, with specified exceptions. That action would not constitute a money judgment for deficiency, or a deficiency judgment, as specified.

Ch 181 (AB 890) Condit. Controlled substances.

Existing law prohibits wholesalers or manufacturers, or agents or employees of wholesalers or manufacturers, from furnishing controlled substances, knowing, or having conscious disregard for the fact, that the controlled substances are for other than legitimate medical purposes. Existing law provides that factors to be considered in ascertaining whether there was knowledge or conscious disregard for the fact that the controlled substances are for other than legitimate medical purposes include, but are not limited to, the amount furnished, previous ordering patterns, the type and size of the customer, and where and to whom the customer distributes the product

This bill would include as a factor whether the use of controlled substances was for purposes of increasing athletic ability or performance

Ch 182 (AB 217) O'Connell Public Utilities Commission· liquefied natural gas terminal.

Existing law authorized the Public Utilities Commission to issue a permit for the construction and operation of a liquefied natural gas terminal pursuant to a prescribed permit procedure and within a specified time, which has expired.

This bill would delete these obsolete provisions.

Ch 183 (AB 329) Bradley. Air pollution asphalt equipment permits.

Existing law requires the South Coast Air Quality Management District, and authorizes other air pollution control districts and air quality management districts, to establish rules and regulations for issuing permits for constructing or operating any article, machine, equipment, or contrivance which may cause air contaminants.

This bill would require, notwithstanding any district permit system, that any permit issued for the operation of equipment at an asphalt plant be valid for operation of the equipment by another operator if specified conditions are met The bill would provide that the liability for any violation relating to operation of the equipment by the new operator at an asphalt plant be determined based upon whether the conduct of the permitted operator or the new operator, or both, caused the violation.

Ch 184 (AB 463) N Waters. Courts

Existing law provides for 3 municipal court judges in the Placer County Municipal Court District

This bill would also provide for one traffic referee, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

Existing law specifies the number, compensation, and classification of the employees of the Placer County Municipal Court District. Existing law provides for the appointment of 3 deputy clerks who shall be municipal court clerks III

This bill would, instead, require the appointment of 6 deputy clerks who shall be senior municipal court clerks, thereby imposing a state-mandated local program by requiring a higher level of service under an existing 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

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

reason.

Ch 185 (AB 458) Farr. Telecommunications.

Existing law required the Department of General Services to report to the Legislature and the Governor, on January 31, 1986, on the status of experiments which it conducted in the use of telecommunications and information systems for telecommuting and teleworking

Existing law further authorized the department to consider specified issues in conducting those experiments.

This bill would require the department to coordinate experimental studies on the use of telecommunications and information systems for telecommuting and teleworking, with the study to consider the issues referred to above, including the enhancements to telecommunication and information systems now or soon to be available which may facilitate the conduct of telecommuting and teleworking.

The bill would require the department to, within 90 days of the conclusion of the study, report its findings and recommendations to the Governor and the Legislature

Ch. 186 (AB 60) Elder. Property taxation· full cash value.

Existing provisions of the California Constitution permit the Legislature to provide, as specified, for an exception to the reappraisal of real property for property tax purposes upon purchases, changes in ownership, or new construction of that property by means of authorizing any person over the age of 55 years who resides in property which is eligible for the homeowner's exemption to transfer the base year value of their principal residence to a replacement dwelling, as defined, of equal or lesser value located within the same county which is purchased or newly constructed as a principal residence within 2 years of the sale of the original property These provisions exclude from their application replacement dwellings which were purchased or newly constructed prior to their effective date.

This bill would implement this constitutional authorization This bill would impose additional conditions upon the availability of this exception. This bill would provide for its particular application to various types of real property, to mobilehomes subject to property taxation, and to property which is held in coownership This bill would require any person claiming the property tax relief provided by this bill to file a claim for that relief with the assessor disclosing certain information This bill would impose a state-mandated local program by requiring assessors to provide claimants, upon request, with the forms for claiming the relief. This bill would also impose a state-mandated local program by requiring assessors to furnish specified information concerning claims made pursuant to the bill to the State Board of Equalization for the purpose of preventing multiple claims for relief by the same person or persons. This bill would require the State Board of Equalization to design these claim forms. This bill would define various terms used in the constitutional provisions authorizing the property tax relief which the bill would provide This bill would require that a claim under this bill for relief be filed within 3 years of the date a replacement dwelling is purchased or new construction of that replacement dwelling is completed.

This bill would make certain legislative findings and declarations concerning the valuation of replacement dwellings for purposes of determining eligibility for the property tax relief provided

This bill would provide that it does not apply in any case in which the transfer of the original property is not a change in ownership which subjects that property to reappraisal at its current fair market value, as specified.

This bill would provide that it applies to any replacement dwelling which is purchased or newly constructed on or after November 6, 1986

Existing law requires transferees of real property and mobilehomes subject to property taxation to file a change in ownership statement with the assessor disclosing certain information concerning the transfer of the property as will enable the assessor to determine if the property is subject to reassessment.

This bill would require the statement to include a notice informing the transferees of the property tax relief available under the provisions of this bill

---

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

The California Constitution requires 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 declare that it is to take effect immediately as an urgency statute.

Ch. 187 (AB 2175) Polanco. Financial institutions. substandard real property.

Existing law does not specifically authorize financial institutions to undertake certain repairs with respect to residential real property acquired through foreclosure under a mortgage or deed of trust.

This bill would provide that authorization solely with respect to repairs for the purpose of compliance with state and local building codes, and health and fire ordinances and regulations

Ch. 188 (AB 1867) Leslie. County civil service exemptions: chief retirement administrator.

Existing law authorizes county boards of retirement and investment to appoint personnel subject to the county civil service or merit system.

This bill would authorize counties to adopt by resolution a provision which would authorize those boards which have so appointed personnel, to appoint a chief administrator who would be exempt from the civil service or merit system.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 189 (AB 961) Chacon District initiative petitions

Existing law requires the clerk of the board of a district, within 10 days from the date of the filing of an initiative petition, to ascertain whether the petition is signed by the requisite number of voters

This bill would repeal this provision. It would require the clerk of the district to follow certain procedures in determining the number of valid signatures on a district initiative petition. Among other things, it would extend the time period for ascertaining the number of valid signatures to 30 days, and would authorize the clerk of the district to use random sampling techniques if more than 1,000 signatures have been signed on the petition.

Ch 190 (AB 727) Lancaster Service by mail

Existing law permits notice and service by mail of certain papers and requires deposit of the paper in a mailbox or other facility maintained by the United States Postal Service Existing law requires that proof of service by mail include an affidavit or certificate of deposit in the mail.

This bill would also authorize an affidavit that the person making the service is familiar with the regular mail collection and processing practices of the business, that the mail would be deposited with the United States Postal Service that same day in the ordinary course of business, and that the envelope was sealed and deposited for collection, as specified.

Ch 191 (AB 692) Eaves Vehicles violations peace officers

Existing law authorizes California Highway Patrolmen, sheriffs, undersheriffs, deputy sheriffs, and policemen who have completed specified courses to issue notices of violation in traffic accident situations

This bill would instead authorize any peace officer, as defined, who has completed those specified courses to issue the notices.

Ch. 192 (AB 601) Vasconcellos. Family law parent and child

Existing law provides that a man is presumed to be the natural father of a child if he meets certain specified conditions generally relating to marriage or attempted marriage to the child's mother or receiving the child into his home and openly holding out the child as his natural child

This bill would provide that a man also is presumed to be a child's natural father if

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

the child was born and resides in a nation with which the United States engages in an Orderly Departure Program and the man acknowledges that he is the child's father in a declaration under penalty of perjury, as specified.

Ch. 193 (AB 658) Lewis. Subdivisions. conditions for approval

Existing law prohibits a local agency from requiring, as a condition to the issuance of any building permit or equivalent permit for residential units in a subdivision once a tentative map has been approved or conditionally approved for the subdivision, or upon the recordation of a parcel map for the subdivision where no tentative map was required, conformance with or the performance of any conditions which the local agency could have imposed as a condition to the previously approved tentative or final subdivision map However, existing law does not prohibit a local agency from (1) imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary because a failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both, or because the conditions are required by state or federal law, or (2) from withholding or refusing to issue a building permit or equivalent permit if the local agency finds it necessary to do so in order to comply with state or federal law, or (3) from assuring compliance with the applicable zoning ordinance. Existing law also makes the above applicable to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas for which a tentative map has been approved or parcel map recorded, as specified

These provisions will be repealed as of January 1, 1989, without further action of the Legislature.

This bill would extend these provisions indefinitely

Ch. 194 (AB 713) N. Waters. Department of Forestry and Fire Protection

(1) Under existing law, the Department of Forestry and Fire Protection, in accordance with a plan approved by the State Board of Forestry, is required to carry out specified duties. The board is required to classify areas within the state in which the state has the primary responsibility for preventing and suppressing fires. A county board of supervisors is authorized to assume responsibility for preventing and suppressing fires in a state responsibility area if the Director of Forestry and Fire Protection concurs The department, with the approval of the Department of General Services, is required to enter into annual contracts with counties which assume responsibility

This bill would require these contracts to be for periods not exceeding 3 years The bill would also authorize the department to provide, when available and to the extent that it does not require additional funds, rescue, first aid, and other emergency services to the public in state responsibility areas Any emergency medical services would be required to be in accordance with specified provisions of the Health and Safety Code.

(2) Under existing law, the department, with the approval of the Department of Finance, is authorized to enter into cooperative agreements for the prevention and suppression of forest fires with any person, firm, association, or corporation that owns or controls any forest, brush, grass, or grain lands.

This bill would delete the requirement that the Department of Finance approve these cooperative agreements.

(3) Under existing law, the director, with the approval of the Department of General Services, is authorized to enter into a cooperative agreement with a county for preventing and suppressing forest fires or other fires within the county if requested by the county, except under specified circumstances

This bill would also authorize the director to enter into a cooperative agreement with a special district if requested by the district and would revise the provision in the agreement relating to a cost apportionment between the state and the county or special district

The bill would declare that it is to take effect immediately as an urgency statute

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

Ch. 195 (AB 793) Kelley. Waterways. floating restrooms.

(1) Under existing law, the Department of Boating and Waterways may, upon appropriation of moneys from the Harbors and Watercraft Revolving Fund, grant funds to a public agency for the construction or procurement of floating restrooms.

This bill would also authorize the department to prepare plans and arrange for the procurement, in accordance with specified provisions, of floating restrooms and ancillary items for later transfer to other public agencies

(2) Under existing law, the department is required to submit any project for which it recommends any grant be made to the Governor for inclusion in the Budget Bill.

This bill would delete that requirement and would make related changes

Ch 196 (AB 991) Wright. Unemployment insurance. School Employees Fund.

Existing law provides for the payment by each school employer of charges and expenses of unemployment insurance for school employees to the School Employees Fund according to a contribution rate utilizing a "benefit cost ratio," as defined.

This bill would revise the method for computing this contribution rate.

Ch 197 (AB 1474) Bradley Republican county central committees.

Existing law provides that any member of a Republican county central committee other than an ex officio member who misses more than 3 consecutive regularly called meetings may be removed by a vote of the committee concerned, unless the absence is for specified reasons

This bill would instead provide that any such member who misses 4 regularly called meetings within one 12-month period shall be removed from the committee concerned, unless the absence is for specified reasons

Ch 198 (AB 1614) Sher Surplus funds· school districts and county offices of education.

Existing law prescribes the securities and instruments in which the governing board of any school district may invest funds in a special reserve fund of the district or surplus moneys not required for the immediate necessities of the district.

This bill would authorize the governing board of any school district or any county office of education to invest those funds in other securities or instruments as specified.

This bill would require the investment of any of these funds to be done with the care, skill, prudence, and diligence of a prudent person.

Existing law authorizes the deposit of certain school district receipts in bank accounts.

This bill would authorize the deposit of certain county office of education receipts in bank accounts.

Ch. 199 (AB 1654) Farr. Monterey Peninsula Airport District. bonds

Under the existing Monterey Peninsula Airport District Act, the Monterey Peninsula Airport District may borrow money and issue bonds in an aggregate amount not exceeding $1,000,000 at not to exceed 7% interest for not more than 20 years.

This bill would revise these indebtedness provisions to permit the district to borrow not more than $15,000,000 pursuant to the bond provisions of the Community Services District Law or the Revenue Bond Law of 1941, or both. The bill would permit the district to borrow not more than $1,000,000 by promissory notes issued for not more than 10 years The bill would specify that the maximum rate of interest for obligations of the district is that which is applicable to obligations of local agencies generally.

Ch. 200 (AB 1678) Hill Hunting and fishing guides.

(1) Under existing law, operators of vessels who, for profit, permit others to fish from the vessel are required to obtain a commercial passenger fishing boat license.

This bill would exempt from that requirement persons operating guide boats, as defined.

(2) Existing law requires hunting and fishing guides to have a surety bond in an amount not less than $5,000.

This bill would reduce that minimum amount to $1,000.

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

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 201 (AB 1222) Bronzan. Motor vehicle insurance.

Existing law does not require a policy of motor vehicle liability insurance coverage providing for medical transportation services to directly reimburse providers of those services

This bill would provide that any automobile liability insurer who is responsible for medical transportation services is liable to the person performing those services, as specified.

Ch. 202 (AB 1053) Bader Workers' compensation· uninsured employers

(1) Existing law provides that if an employer fails to pay workers' compensation to a person entitled to it or fails to furnish a bond, then an award shall be paid to the injured employee or his or her dependents by the Director of Industrial Relations from the Uninsured Employers Fund, which is continuously appropriated.

This bill would provide that any claim brought against an employer under existing law may be resolved by the director by compromise and release or stipulated findings and award as long as the Workers' Compensation Appeals Board has acquired jurisdiction over the employer and the employer has been given notice, as specified, and an opportunity to object It would provide that if the employer files an objection with the appeals board within the specified time limit, the director may proceed with the compromise and release or stipulated findings and award if doing so best serves the interests of the Uninsured Employers Fund.

(2) Existing law permits the appeals board, where the employer is uninsured and the installments of compensation awarded are to be paid for a considerable time in the future, to determine the present worth of the future payments and order the present worth paid into the State Compensation Insurance Fund, which fund is required to pay the beneficiaries the future payments as they become due.

This bill would require the appeals board to make the above-described order, but would delete the considerable time provision and require only that installments of compensation are to be paid in the future. It would also require this compensation to be paid into the Uninsured Employers Fund

Ch 203 (AB 570) Chandler. Health facilities.

Existing law requires the State Department of Health Services to license health facilities. Existing law also requires periodic inspections of these facilities by the department The department is required to produce inspection reports and a list of deficiencies, if any, that a facility has in complying with statutes and regulations pertaining to the quality of care required to be provided by health facilities

Existing law requires that these inspection reports and list of deficiencies, as well as plans of correction submitted by health facilities, be open to public inspection

This bill would require the department to make inspection reports and lists of deficiencies public only when it has received verification that a health facility has received the report

The bill would further require that plans of correction be open to public inspection upon receipt by the department

Ch 204 (AB 446) Jones Building safety 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 All elevators are 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.

This bill would revise these exemptions, as specified, and would provide an additional exemption for elevators located in a multiunit residential building serving no more than 2 dwelling units and not accessible to the public

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

This bill would further require that the elevators located in multiunit residential buildings would not be exempt from inspection when an elevator is installed or after major alterations.

Ch 205 (AB 221) Tanner Air pollution. resource recovery projects: permits.

Existing law requires an air pollution control or air quality management district to issue permits for the construction of resource recovery projects under 50 megawatts or, in certain cases, under 80 megawatts pursuant to appropriate permit conditions for these projects. Existing law also specifies time limits applicable to all public agencies within which the lead agency or responsible agency for a development project is required to approve or disapprove the project, and, if the agency fails to act within these time limits, the project is deemed approved These time limits may be extended once for a period of up to 90 days.

This bill would permit these time limits to be extended up to 9 months for the review of these projects by an air pollution control district or air quality management district upon the mutual consent of the district and the applicant, and would, in this event, require the district to provide public notification of this extension at least 30 days prior to the effective date of the extension by publishing a notice in a specified manner, specifying the reasons for, and the duration of, the extension.

Ch. 206 (SB 955) Seymour Nonprofit mutual benefit corporations: director's term.

Existing law limits the term of office for directors of nonprofit mutual benefit membership corporations to a maximum of 3 years, except as specified.

This bill would permit the corporation's articles or bylaws to fix a maximum term of office for these directors of 4 years.

Ch. 207 (SB 845) Robbins. Trial: statement of decision

Existing law provides that if a question of fact is tried by the court, upon request the court must make a statement of decision in writing. However, under existing law if the trial has been completed within one day, the statement of decision may be made orally on the record Under existing law, the request for a statement of decision must be made within 10 days of a tentative decision unless the trial has lasted less than one day in which case the request must be made prior to submission for decision.

This bill would permit the statement of decision to be made orally on the record, and would require the request to be made prior to submission for decision, when the trial is concluded within one calendar day or in less than eight hours over more than one day.

Ch. 208 (SB 586) Ellis. State Housing Law. minimum floor area.

Existing provisions of the State Housing Law, with certain exceptions, require local building regulations for residential occupancies to conform to specified regulations adopted by the Department of Housing and Community Development

This bill would add an exception authorizing counties and cities to permit defined "efficiency units" for occupancy by 2 or fewer persons, to have a minimum 150 square feet of floor area and partial kitchen or bathroom facilities

Ch 209 (SB 1471) Mello. Commercial fishing. gill and trammel net permits.

(1) Under existing law, the Department of Fish and Game is prohibited from issuing new general gill or trammel net permits to any person who has not made specified landings of fish for commercial purposes

This bill would provide for appeals to the Fish and Game Commission of permit denials based upon illness or loss of a vessel and require the appeals to be filed on or before specified dates. If the appeal results in a determination that the permit is to be issued, the bill would require that it be made available to the person upon payment of required fees.

(2) Existing provisions of the Fish and Game Code continuously appropriate the money 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 and to the commis-

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

sion to pay its expenses.

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 bill would declare that it is to take effect immediately as an urgency statute.

Ch. 210 (SB 190) Craven. Sales and use tax· prepayments· motor vehicle fuel

The existing Sales and Use Tax Law requires distributors of motor vehicle fuel subject to the motor vehicle fuel license tax to collect prepayments of the retail sales taxes from the person to whom the motor vehicle fuel is first distributed in this state at a specified rate and to remit the taxes to the State Board of Equalization in accordance with a specified procedure. The rate of the prepayment required to be collected during the period from July 1, 1986, through March 31, 1987, is $0 04 per gallon of motor vehicle fuel distributed or transferred. On April 1 of each succeeding year, the rate per gallon of the required prepayment shall be established by the board based upon specified criteria.

This bill would provide that for purposes of that law the term "motor vehicle fuel" does not include aviation gasoline for use in propelling aircraft. It would authorize the State Board of Equalization to readjust the rate in the event the price of fuel decreases or increases and the established rate results in prepayments which consistently exceed or are significantly lower than the retailers' sales tax liability. It would also require prepayment amounts paid to the board to be refunded to any person who is unable to collect the prepayment from the purchaser insofar as the sales of the fuel are represented by accounts which have been found to be worthless and charged off for income tax purposes.

Under the existing Sales and Use Tax Law, if the State Board of Equalization determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, it may be credited against amounts due and the balance refunded. However, the State Board of Equalization must obtain the approval of the State Board of Control if the amount is in excess of $15,000.

This bill would additionally allow a credit or refund without the approval of the State Board of Control in the case of the prepayment of sales tax, interest, or penalty for motor vehicle fuel when the amount was not required to be paid.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 211 (SB 562) Rogers. Agricultural burning: prescribed burning.

(1) Under existing law, a person is prohibited from setting or permitting agricultural burning without a permit from the agency designated by the State Air Resources Board, except that the state board may authorize an exemption from permit requirements for an air pollution control district or air quality management district where agricultural burning does not significantly affect air quality. The state board is required to designate public fire protection agencies or other equivalent agencies to issue the permits in accordance with rules and regulations of the state board. No burning may be conducted for the improvement of land for wildlife or game habitat without a certified written statement from the Department of Fish and Game

This bill would revise the definition of agricultural burning to include wildlife vegetation management burning which uses prescribed burning to achieve specified objectives. The bill would impose a state-mandated local program by requiring the designated local agencies to issue additional permits.

(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. 212 (SB 831) Bergeson Joint powers and redevelopment agency bonds: time of interest payments

Under existing law, interest on bonds of a joint powers entity or redevelopment agency is payable semiannually, but the initial interest payment may be deferred until the end of the first year. Existing law also specifies maximum interest rates for these

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

bonds.

This bill would make the interest on these bonds payable at times determined by the joint powers entity or redevelopment agency The bill would also make clarifying and conforming changes relative to maximum interest rate of redevelopment agency bonds.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 213 (SB 321) Lockyer Attorneys· settlement offers

Existing law requires an attorney to promptly communicate to his or her client a written offer of settlement in a civil action made by or on behalf of an opposing party, and provides that this offer of settlement or any communication of a settlement offer shall be discoverable by either party

This bill would limit this discovery by either party to any action in which the existence or communication of the offer of settlement is an issue before the trier of fact.

Ch 214 (SB 885) Royce. Driving offenses restricted licenses

Existing law authorizes, as a condition of probation and under specified conditions, that a court may have the Department of Motor Vehicles restrict, instead of suspending or revoking, the driver's license of a person convicted of a second offense of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving when addicted to any drug if the person is referred to a drug and alcohol program, as specified. The restriction is required to continue until, among other things, the person has given proof of ability to respond in damages, as defined

This bill would require a person granted probation on those conditions to give proof of ability to respond in damages in order to have the department restrict, instead of suspending or revoking, the person's driver's license

The bill would make other conforming changes, including recasting of the prohibition on referring a person subject to the bill to a drug and alcohol program within 4 years.

Ch 215 (SB 418) Kopp Parking Law of 1949 acquisition of property.

Under existing law, a city parking authority or a county parking authority, operating under the Parking Law of 1949, may not acquire property used as an existing parking facility unless the project to be furnished or constructed will provide at least 3 times the parking capacity of the existing facility Property owned by the city is excepted from the prohibition.

This bill would delete the exception for property owned or controlled by the city and would, instead, except from the prohibition on acquisition any acquisition which is approved by the legislative body of the authority by ordinance or resolution.

Ch 216 (SB 744) Marks. Vessels· throwing of objects

(1) Existing law does not establish a separate offense for throwing objects at vessels.

This bill would impose a state-mandated local program by making any person who maliciously throws, hurls, or projects any object by manual, mechanical, or other means at a vessel, as defined, or any occupant is guilty of a misdemeanor, punishable as prescribed, if the act does not otherwise constitute a specified criminal offense.

(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 217 (SB 967) Petris School districts personnel commission budget date of public hearing

Existing law requires that the school district personnel commission prepare its own annual budget which, upon approval of the County Superintendent of Schools, shall be included in the regular budget of the school district.

Existing law requires that the budget be prepared for public hearing by the commission to be held no later than May 30 of each year

---

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

This bill would, in the alternative, authorize that the hearing be held at a date agreed upon between the governing board of the school district and the commission, to coincide with the process of adoption of the budget of the school district.

Ch. 218 (SB 497) L. Greene. Planning and zoning

Existing law specifies limitations on the time for commencing a legal action or proceeding to attack, review, set aside, void, or annul various planning and zoning actions and decisions of a local legislative body. Existing law also authorizes public agencies, upon giving prescribed notice, to limit the issues which can be raised in any legal action or proceeding to the matters raised in testimony at the public hearing. Certain of the legislative findings and declarations included in these provisions relate only to housing projects

This bill would, instead, make certain of these legislative findings and declarations applicable to developments in general.

Ch. 219 (SB 473) Ellis. Property taxation: base-year values.

Existing provisions of Article XIII A of the California Constitution permit the Legislature to provide that the base-year value of property that is substantially damaged or destroyed by a disaster, as declared by the Governor, may be transferred to comparable property, within the same county, which is acquired or newly constructed on or after July 1, 1985, as a replacement for the damaged or destroyed property. Existing statutory law implements that constitutional authorization. Those statutory provisions require the assessor to establish an adjusted base-year value for the comparable replacement property in accordance with prescribed criteria, which provide for the transfer, in whole or in part, of the adjusted base-year value of the substantially damaged or destroyed property to the comparable replacement property, with adjustments in those situations in which the full cash value of the replacement property is lower than that of the damaged or destroyed property or is greater than 120% of the full cash value of the damaged or destroyed property. Those statutory provisions also require that at the time the base-year value of the substantially damaged or destroyed property is transferred to the replacement property, the substantially damaged or destroyed property be reassessed at its full cash value No provision is made regarding the change or retention of the base-year value of the substantially damaged or destroyed property when it is reassessed.

This bill would require that, at the time the base-year value of the substantially damaged or destroyed property is transferred to the replacement property, the base-year value of the substantially damaged or destroyed property be retained.

This bill would provide that it is to apply to substantially damaged or destroyed property for which comparable replacement property was acquired or newly constructed on or after July 1, 1985.

This bill would declare that is to take effect immediately as an urgency statute.

Ch. 220 (SB 1315) Craven. State employees: executive salaries.

Existing law requires that (a) the annual salary for the Director of the State Lottery be as provided by the Department of Personnel Administration; (b) the salaries for the Directors of Fish and Game, Parks and Recreation, Rehabilitation, Veterans Affairs, Consumer Affairs, and Forestry and Fire Protection be provided at the annual rate of $60,000, adjusted as specified, and (c) the salaries for the Directors of Emergency Services, the Department of Aging, and the State Fire Marshal be provided at an annual rate of $55,000, with an annual cost-of-living increase, as specified

This bill would, instead, (a) fix the salaries of the Directors of the California State Lottery, Fish and Game, Parks and Recreation, Rehabilitation, Veterans Affairs, Consumer Affairs, and Forestry and Fire Protection at the annual rate of $68,000 as adjusted by a percentage equal to the percent of state employees' salary increases since July 1, 1984, and (b) fix the salaries of the Directors of the Office of Emergency Services, the Department of Aging, and the State Fire Marshal at the annual rate of $60,000, increased in any fiscal year in which a cost-of-living increase is provided for state employees.

Existing law authorizes reimbursement of living expenses of a Member of the Legislature at the same rate as established by the State Board of Control for other elected state

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

officers

This bill would authorize reimbursement at a rate established by the State Board of Control which is not less than the rate provided to federal employees traveling to Sacramento

Ch. 221 (SB 1682) L Greene. Horseracing. California Exposition and State Fair.

Under existing provisions of the Horse Racing Law, the California Horse Racing Board, with the approval of both the Department of Food and Agriculture and the Department of General Services, is authorized to allocate mixed breed horseracing meetings at the California Exposition and State Fair and a district agricultural association in the northern zone on days other than days on which general fair activities are conducted, except that days may not be allocated between July 1 and October 31 The board may authorize associations licensed to conduct a racing meeting in the northern zone and county fairs, district agricultural association fairs, and citrus fruit fairs in the northern zone and specified counties to operate satellite wagering facilities under specified conditions.

This bill would authorize the board to allocate racing days between July 1 and October 31 to the California Exposition and State Fair for a night mixed breed meeting from Labor Day until the 21st District Agricultural Association commences its mixed breed meeting

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 222 (SB 797) Deddeh. San Diego County Regional Transportation Commission.

Under existing law, the San Diego County Regional Transportation Commission is authorized to impose a retail transactions and use tax, after voter approval, for transportation purposes.

The members of the Board of Directors of the San Diego Association of Governments serve as the commission, and receive no compensation for their duties in the latter capacity

This bill would authorize the commission, upon the imposition of a retail transactions and use tax, to authorize members of the commission to be compensated from the proceeds of that tax at the rate of $100 per day for attendance of meetings of the commission and meetings of committees thereof, but not to exceed 5 meetings per quarter, and necessary and reasonable expenses

Ch. 223 (AB 126) Peace. Crimes.

Existing law contains provisions relative to increased efforts in the apprehension and prosecution of persons Under that law, increased efforts must occur where persons who are under investigation or arrest for the commission of certain enumerated felonies have also either (a) suffered at least one conviction during the preceding 10 years for the commission of, and, in the case of apprehension of persons, the commission or the attempted commission of, among other felonies, robbery, or (b) suffered at least 2 convictions during the preceding 10 years for the commission of, and, in the case of the apprehension of persons, the commission or the attempted commission of, among other felonies, any other robbery.

This bill would recast these provisions to include robbery of the 1st degree within the class of felonies in which one conviction during the preceding 10 years requires the increased efforts in the apprehension and prosecution of persons and to include robbery of the 2nd degree within the class of felonies in which 2 convictions during the preceding 10 years requires the increased efforts in the apprehension and prosecution of persons.

This bill would also make certain technical, conforming changes.

Ch. 224 (AB 128) O'Connell Vehicles· animal restraints

(1) Under existing law, the transportation of animals in motor vehicles is not subject to enclosure or restraint device requirements

This bill would prohibit any person driving a motor vehicle from transporting any animal in the back of the vehicle on a highway in a space intended for any load on the vehicle unless the space is enclosed or has side and tail racks, as specified, the vehicle

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

has installed means of preventing the discharging of the animal, or the animal is cross tethered to the vehicle, or protected by a cage, in a manner which will prevent it from being thrown, falling, or jumping from the vehicle, thereby imposing a state-mandated local program by creating a new crime The bill would exempt from that prohibition the transportation of livestock, the transportation of a dog whose owner either owns or is employed by a ranching or farming operation who is traveling on a road in a rural area or who is traveling to and from a livestock auction, or the transportation of a dog for purposes associated with ranching or farming The bill would also prescribe the fines for violations.

(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. 225 (AB 299) Seastrand Records.

Under existing law, state and local registrars have the responsibility of registering and maintaining various records, including certificates of birth, death, and registry of marriage.

Existing law requires that all certificates of live birth, fetal death, death, or registry of marriage, shall be written legibly in durable black ink

This bill would delete certificates of registry of marriage from these provisions and, instead, provide that certificates of registry of marriage shall be written legibly and shall be photographically and micrographically reproducible The bill would also provide that a certificate of registry of marriage is not complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission

The bill would provide that any registry of marriage accepted by a local registrar of marriages prior to the effective date of the bill that is not otherwise invalid is validated as of the date upon which it was registered

This bill would, by imposing additional requirements upon local registrars, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch 226 (AB 423) Seastrand Unemployment insurance

(1) Existing law provides that in order to qualify for disability compensation, an unemployed and disabled worker must wait for a period of 7 consecutive days However, the remainder of the waiting period is waived where a worker receives treatment in a hospital surgical unit or a surgical clinic or is confined for one day in a hospital, as defined

This bill would revise the definition of hospital.

(2) Existing law requires the Director of Employment Development to assess unpaid reimbursement amounts against an employer or insurer if, in a disputed coverage proceeding, the employer or insurer failed to pay all or part of the reimbursement within 15 days after the mailing of the final decision of an administrative law judge or the appeals board.

This bill would change the time period to 15 days after the decision of the administrative law judge or the appeals board becomes final.

(3) Existing law permits the Director of Employment Development to take specified steps to recover overpayments of disability benefits

This bill would require the Franchise Tax Board to aid the director in the recovery

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

process through the exchange of information.

Ch. 227 (AB 880) Stirling. Mental health

Under the Short-Doyle Act, mental health personnel are specifically made subject to all applicable professional licensure laws. However, the State Department of Mental Health may exempt from these laws for 2 years, persons in the profession of psychology or for 3 years, persons in the profession of clinical social work who are gaining qualifying experience for licensure. Additionally, this durational limitation upon the waivers does not apply to active candidates for a doctoral degree in social work, social welfare, or social science under certain circumstances.

This bill would authorize the department to grant the exemption from licensing laws for 3 years to persons in the profession of marriage, family and child counseling who are gaining qualifying experience for licensure. The bill would also provide that this durational limitation upon the waivers does not apply to active candidates for a doctoral degree in marriage, family and child counseling or marital and family therapy under certain circumstances

Ch. 228 (AB 1287) Jones. Juveniles: juvenile justice commissions group homes· probation commissions.

Existing law requires the establishment of county juvenile justice commissions and prescribes the duties thereof

This bill would authorize those commissions to inquire into nonconfidential aspects of the administration of group homes receiving placements by order of the juvenile court in the county or region in which the commission serves and to report thereon, as specified

Existing law requires the establishment of a probation committee, as specified, in lieu of a county juvenile justice commission, in counties having a population in excess of 6,000,000.

This bill would change the name of the probation committee to the probation commission

Ch 229 (AB 1937) Quackenbush Guardianship.

Under existing law, proceedings for the appointment of a guardian for the person of a minor, the petitioner is required to provide advance notification to the Director of Social Services. Local public social services agencies providing child protection services are required to screen the name of the proposed guardian for prior referrals of neglect or abuse of minors, as specified

This bill would require (a), in the case of nonrelative guardianships, the advance notification to also be provided to the local agency designated by the board of supervisors to investigate guardianships for the court and (b), in the case of other guardianships of the person of a minor, that the notice be provided only to that local agency.

Ch. 230 (AB 2235) Chacon Political Reform Act of 1974 mass mailings.

The Political Reform Act of 1974 prohibits the sending of any newsletter or other mass mailing, as defined, by or on the behalf of, any elected officer when that officer has filed nomination documents for any local, state, or federal office.

This bill would, instead, provide that the prohibition applies to certain candidates after the elected officer has filed nomination documents, as defined, for the direct primary election, and other candidates after the elected officer has filed the last document necessary to be listed on the ballot, as specified.

Under the Political Reform Act, the Franchise Tax Board is requested to make audits and field investigations concerning campaign statements and lobbyists reports filed with the Secretary of State.

This bill would additionally require these audits and field investigations of local candidates and their controlled committees which were selected for audits.

This bill would also require the Franchise Tax Board to send reports concerning local candidates and their controlled committees to the commission, the local filing officer, and the district attorney for the candidate's county of domicile

---

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

Ch. 231 (AB 317) 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. Under the law repealed July 1, 1987, for counties with a population of 100,000 to 110,000, as recorded in the 1980 federal census, for the 1985–86 and 1986–87 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 1987–88, 1988–89, 1989–90, and 1990–91 fiscal years for counties with a population of 100,000 to 110,000.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 232 (AB 714) N. Waters. Agricultural land: transfers

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) provide that nothing in the act shall prevent the transfer of ownership of a portion of land within an agricultural preserve from one immediate family member to another if: (1) the parcel transferred conforms to local zoning and land division ordinances; and (2) there is a written agreement between the parties to the proposed transfer for their operation of the land and the transferred portion of that land under joint management, as specified.

This bill would revise the 1st of the 2 existing conditions by requiring the parcel to be transferred to also conform to any applicable local coastal program certified in accordance with specified provisions of the California Coastal Act of 1976. This bill would make various clarifying changes in the 2nd of the 2 existing conditions. This bill would also impose 2 additional conditions on these transfers The 1st condition would be a requirement that the parcel to be transferred comply with all requirements relating to agricultural income and permanent agricultural improvements which are imposed by a county or city as a condition of a land conservation contract concerning the land This bill would provide that the parcel to be transferred shall be deemed to comply with those requirements if the land subject to the contract already complies with these requirements The 2nd condition would be a requirement that the parcel to be transferred meet certain minimum acreage standards in existing law relating to acreage size necessary to sustain agricultural uses permitted under an applicable land conservation contract.

Ch. 233 (AB 1808) Longshore. Health facilities

Under existing provisions on licensure of health facilities, the State Director of Health Services or, if authorized by the director, the local health officer, is authorized to bring an action to enjoin the violation or threatened violation of a facility operating without a license, as specified.

This bill would require that prior to bringing an action to enjoin the violations, the department ensure that written notice be given to the patient and others who may be able to assist in the placement of a patient in a licensed facility The bill would specify that if the court finds that the facility is actually violating these provisions, it must issue an order enjoining the facility from continuing the violation

Ch. 234 (AB 2355) Wright. Custodial officers

Under existing law, custodial officers in a county having a population of 250,000 or less have the authority to carry firearms when, under the direction of the sheriff or chief of police, they are engaged in specified duties.

This bill would grant the above authority to custodial officers of a county having a population of 425,000, rather than 250,000, or less

This bill would declare that it is to take effect immediately as an urgency measure

Ch. 235 (SB 1456) L Greene. Professional engineers

Existing law authorizes the State Board of Registration for Professional Engineers and Land Surveyors, with respect to applicants for registration as professional engineers, to give credit, as qualifying experience toward a requirement of 6 years engineering expe-

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

rience, certain time for engineering education or engineering teaching, as specified The law defines a year of study for those purposes to be at least 30 semester units or 45 quarter units

This bill would provide that a year of study shall be at least 32 semester or 48 quarter units and that the sum of that credit for engineering education or teaching shall not exceed 5 years.

Ch. 236 (SB 1634) Keene. State highways encroachment permits.

Existing law prohibits encroachments, as defined, on state highways unless a permit therefor has been obtained from the Department of Transportation In addition, existing law prohibits and makes it a nuisance to park or place any vehicle or structure on a state highway for purposes of selling the vehicle or structure or of selling any article or service therefrom, except as specified

This bill would redefine "encroachment" to include a "special event," as defined, and would authorize the department to issue permits to counties and cities for the use of state highways within their boundaries for special events, subject to specified conditions

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 237 (SB 965) Mello Safe drinking water grants.

Under the California Safe Drinking Water Bond Law of 1984, bond proceeds in the California Safe Drinking Water Fund are 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 fund to specified entities for the purpose of improving their domestic water supply 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 declare that it is to take effect immediately as an urgency statute.

Ch. 238 (AB 846) Stirling. Courts.

(1) Under the provisions of AB 439, an urgency statute, judicial arbitration shall apply only in those counties in which the board of supervisors has authorized it and agrees to pay the costs.

This bill would delay the operative date of the above provision until January 1, 1988.

(2) Existing law establishes the Trial Court Delay Reduction Act of 1986, as specified, which applies to certain superior courts designated by the Judicial Council, and to other superior courts at the option of the presiding judge

This bill would authorize a majority of the judges of the San Diego County Superior Court to adopt local rules of court for civil case tracking under the Trial Court Delay Reduction Act of 1986, consistent with the standards adopted by the Judicial Council. This provision would be repealed on January 1, 1988.

The bill would also appropriate $225,000 from the General Fund to the Judicial Council for the purchase of computers and software by participating courts

The bill would also provide that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 239 (AB 1910) Harris Attorneys.

Existing law delineates the requirements for admission to the practice of law, which include fulfillment of specified educational criteria and passage of the final bar examination One method of meeting the educational requirements is by studying law for at least 4 years, by instruction from a correspondence law school, as specified.

This bill would require, as to persons registered with the examining committee of the Board of Governors of the State Bar (the Committee of Bar Examiners) on or after

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

January 1, 1988, that the instruction to be from a correspondence law school authorized or approved to confer professional degrees by this state. It would provide that a correspondence law school that is not so authorized or approved, but is registered with the examining committee on January 1, 1988, may continue to enroll students until January 1, 1990.

Ch. 240 (SB 775) Dills. Beverage containers: redemption values.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act requires every beverage container manufacturer, on and after September 1, 1987, to include a message on every beverage container. A distributor is required to report specified information to the Department of Conservation within 15 days after each month regarding beverage containers sold and returned, beginning September 1, 1987, and to pay to the department the redemption value of every beverage container sold or transferred to a dealer within 40 days of sale.

This bill would change the month when distributors are required to commence reporting sales and returns to August 1, 1987, and would change the day when the report is required to be submitted in accordance with a specified payment schedule. The bill would require a manufacturer of beer and other malt beverages to label beverage containers on and after August 1, 1987 The bill would provide that every labeled container has a redemption value payable by the distributor to the department and, commencing October 1, 1987, would prohibit any person from offering to sell or selling to a consumer a beverage container not so labeled, thereby imposing a state-mandated local program by creating a new crime. The bill would require distributors to only report the sale of specified beverage containers which are labeled

The bill would require a distributor of beer and other malt beverages to pay the department the redemption value on or before October 15, 1987, for beverage containers sold or transferred before September 15, and pursuant to a specified schedule thereafter and would authorize distributors of carbonated mineral and soda waters to make payments in this manner, upon the approval of the department The bill would exempt emergency regulations adopted by the department to implement this bill from requirements concerning review by the Beverage Container Recycling Committee

The bill would appropriate $700,000 from the General Fund to the department as a loan for the initial costs of carrying out the changes made by this act.

(2) The bill would incorporate additional changes to Section 14561 of the Public Resources Code proposed by AB 20 to be operative only if AB 20 and this bill are both enacted and become effective on or before January 1, 1988, and this bill is operative last. The changes made to Section 14561 of the Public Resources Code by both bills would become operative on the operative date of 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.

(4) The bill would declare that it is to take effect immediately as an urgency statute except that the provision requiring payment of redemption values would not become operative until September 1, 1987.

Ch. 241 (SB 731) Robbins. Certification of teachers· personnel services specialization

Chapter 1175 of the Statutes of 1986 revises the minimum requirements for a services credential with a specialization in personnel services, as issued by the Commission on Teacher Credentialing.

This bill would require the commission to continue to issue these credentials under the law as it read on December 31, 1986, for a time period of 2 years from the effective date of regulations adopted for the issuance of certificates under Chapter 1175 of the Statutes of 1986, to any candidate who was in the process of obtaining a services credential with a specialization in pupil personnel services prior to October 1, 1987, through a previously approved program of study

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

Ch. 242 (AB 242) Lancaster Insurers excess funds investments

Existing law authorizes an insurer, except an insurer authorized to transact mortgage guaranty insurance, to purchase or hold a mortgage or mortgage participation, pass-through, conventional pass-through, or trust certificate which represents an undivided beneficial interest in a pool of loans secured by mortgages, deeds of trust, or other instruments constituting a first lien or charge on real property, as specified

This bill would delete the above provision and instead provide that an insurer, except an insurer authorized to transact mortgage guaranty insurance, is authorized to invest excess funds in a mortgage, mortgage-backed bond, or a mortgage participation, pass-through, conventional pass-through, trust or participation certificate, as specified, subject to specified conditions

Under the bill, the mortgage, mortgage-backed bond, or mortgage participation, pass-through, conventional pass-through, trust or participation certificate secured by or representing an undivided interest in the loan or pool of loans shall not be revalued due solely to their transfer or contribution by an insurer to a corporation where the insurer owns all the voting securities of that corporation. Any subsequent transfer to an affiliate from the wholly owned subsidiary would be valued at the lower of book value or market value

Ch 243 (AB 409) Kelley Agriculture· marketing

(1) Existing law establishes the California Egg Commission in state government with a specified membership and duties relating to advertising, promoting, and conducting research regarding eggs and egg products The commission may levy assessments on handlers of eggs to pay for these activities.

This bill would extend the requirement to pay assessments to out-of-state handlers for eggs or egg products marketed in this state in accordance with procedures established by the commission Failure of an out-of-state handler to pay the assessment would be a misdemeanor, thus the bill would impose a state-mandated local program by creating a new crime

The bill would also restrict the amount of the assessment that could be levied if the federal Egg Marketing Order is in effect

(2) Existing law establishes the California Walnut Commission in state government with a specified membership and duties relating to walnut products.

This bill would require independent handler votes to be apportioned on a specified basis.

(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 declare that it is to take effect immediately as an urgency statute.

Ch 244 (AB 959) Chacon Elections

Existing law requires any person assisting a voter in marking the voter's ballot to subscribe and take a specified oath

This bill would delete this provision

Ch. 245 (SB 1106) Mello Fires· fire extinguishing systems. fire alarm systems

Existing law does not require the State Fire Marshal and the Contractors' State License Board to study pertinent laws, regulations, and practices pertaining to the installation, inspection, and testing of automatic fire extinguishing systems and fire alarm systems, the licensing of contractors and installers of these systems, and the design and manufacturing of these systems

This bill would require the State Fire Marshal and the board, in cooperation with manufacturers, contractors, installers, fire marshals, and local building officials to do so and to report their recommendations to the Legislature by July 1, 1988, on how the installation, inspection, testing, licensing, design, and manufacturing can be improved to ensure that automatic fire extinguishing systems and fire alarm systems are not

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

impaired and will operate efficiently.

The bill would require the board and the State Fire Marshal to jointly chair and coordinate the study, and would require that the funding for the study come from the Contractors' License Fund, not to exceed $50,000 The bill would appropriate $50,000 from this fund to the board for the study.

This bill would make its provisions inoperative on July 1, 1988, and would repeal them as of January 1, 1989

The bill would declare that it is to take effect immediately as an urgency statute

Ch 246 (SB 1107) Mello. Fire-protection system.

(1) Existing law does not make it a crime for a person to willfully or maliciously construct or maintain a fire-protection system in a structure with the intent to install a fire-protection system which is known to be inoperable or to impair the effective operation of a system so as to threaten the safety of any occupant or user of the structure in the event of fire.

This bill would make it a felony for a person to engage in the conduct described above, punishable by imprisonment for 2, 3, or 4 years. The bill would also make it a felony punishable by imprisonment in the state prison for 5, 6, or 7 years to engage in the described activity when the violation proximately results in great bodily injury or death. The bill would also provide that a "fire-protection system," includes, but is not limited to, an automatic fire sprinkler system, standpipe system, automatic fixed fire extinguishing system, and fire alarm system, as those systems are further defined.

Thus, the bill would create a state-mandated local program by the creation of new crimes.

(2) Under existing law, prosecution for a felony must be commenced within 3 years, except as specified. However, this limitation of time does not commence to run with respect to certain specified crimes until discovery of those offenses

This bill would include within the listing of specified crimes whose limitation of time does not commence to run until discovery of the offense, the proposed felonies described under paragraph (1)

This bill would also incorporate changes in Section 803 of the Penal Code proposed by AB 1956 to be operative only if both bills are chaptered and become effective on or before January 1, 1988, 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. 247 (SB 639) Seymour Controlled substances and alcohol: fees and assessments education.

(1) Existing law requires every person convicted of an offense involving controlled substances to pay a drug program fee in an amount not to exceed $100 for each separate offense, in addition to any other penalty prescribed by law, except as otherwise provided. This drug program fee is to be allocated to drug abuse programs in the schools and communities in a specified manner. Existing law requires the courts to determine whether a person convicted of these offenses has the ability to pay the fee and authorizes the court to set the amount to be reimbursed and order its payment in the manner specified Existing law also requires county treasurers to maintain a drug program fund in which an amount equal to the amount assessed for the drug program fee for every conviction involving controlled substances would be deposited

This bill would authorize the court to set the amount to be paid, rather than the amount to be reimbursed, to the county, if the court determines that the person has the ability to pay. This bill would require county treasurers to maintain a drug program fund in which an amount equal to the amount assessed and collected for the drug program fee for every conviction involving controlled substances would be deposited. This bill would provide that a person is not required to pay a drug program fee if the court determines that the person does not have the ability to pay a fee.

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

(2) Existing law requires any person convicted of specified alcohol-related offenses to pay an alcohol abuse education and prevention assessment in an amount not to exceed $50. This amount is deposited in a county alcohol abuse education and prevention fund to be allocated to the schools and community of the county to conduct alcohol abuse education and prevention programs in a specified fashion Existing law requires the court to determine if a defendant has the ability to pay all or part of the penalty assessment and authorizes the court to set the amount to be reimbursed and to order the defendant to pay the assessment in the manner specified

This bill would authorize the court to set the amount to be paid, rather than the amount to be reimbursed, to the county, if the court determines that the defendant has the ability to pay. This bill would also provide that a defendant is not required to pay a penalty assessment if the court determines that the defendant does not have the ability to pay an assessment

(3) Under existing law, a county may develop, implement, operate, and administer an alcohol and drug problem assessment program by resolution of the board of supervisors, as specified Any person convicted of driving while intoxicated is required to participate in an alcohol and drug problem assessment program in the county of conviction, if available A maximum $50 assessment is required to be levied on every fine, penalty, or forfeiture collected from any person convicted of driving while intoxicated in any county that administers an alcohol and drug problem assessment program. The court is authorized to determine if the defendant has the ability to pay all or part of the assessment and to set the amount to be reimbursed.

This bill would make these provisions applicable to judicial districts, rather than to counties This bill would authorize the court to determine if the defendant has the ability to pay the assessment If the court makes a determination that the defendant has that ability then the court would be authorized to set the amount to be reimbursed.

(4) This bill would incorporate additional changes in Section 11372.7 of the Health and Safety Code and Section 23196 of the Vehicle Code, proposed by Senate Bill 789, to be operative only if Senate Bill 789 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

(5) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 248 (SB 409) Presley. Air pollution motor vehicle inspection program

(1) Under existing law, the Department of Consumer Affairs is required to implement a motor vehicle inspection program to achieve compliance with motor vehicle pollution control requirements at the request of an air pollution control district or air quality management district located wholly or partly within a federally designated urban nonattainment area for the primary federal ambient air quality standards for ozone or carbon monoxide, and permits the district to designate any portion of its area for participation in the program. Existing law also permits any district which is, or which contains, in whole or in part, a federally designated nonattainment area, whether or not an urban area, to request the department to implement the program in the portion of the district's area specified by the district Existing law contains a statement of the intent of the Legislature in enacting these provisions.

This bill would revise the statement of legislative intent to reflect changes which have been made in the motor vehicle inspection program provisions.

(2) Under existing law, the department is required to develop standards for the licensing of test stations and repair stations and requires test mechanics and repair mechanics to be qualified by the completion of training courses prescribed and administered by the department.

This bill would require the department, in addition to administering training courses, to develop standards for certification of institutions and instructors providing prerequisite training of test mechanics and repair mechanics, and would specify what these standards are to include.

(3) Under existing law, the owner or manager of every licensed test station and licensed repair station is required to be a licensed inspector.

This bill would, in addition, require every licensed inspector to have completed training courses prescribed and administered by the department or to be a qualified test

---

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

mechanic or qualified repair mechanic The bill would specify initial and renewal license fees for the licenses, which would be issued for a 2-year period. The bill would prohibit any person from performing the duties of a licensed inspector unless licensed and meeting the requirements of these provisions This requirement would apply to licensed inspectors upon the first renewal of the inspector's license after January 1, 1988

(4) Under existing law, the department is required to prescribe and administer retraining courses for test mechanics and repair mechanics

This bill would require the department to prescribe one or more retraining courses for a qualified test mechanic or qualified repair mechanic whenever the department, through investigation, determines that the mechanic may lack the skills to perform the test or repair functions within the required qualifications. The bill would permit the mechanic to request a hearing on the department's determination in this regard. The bill would specify that the mechanic's failure to complete the prescribed retraining course within the time designated by the department, or to request a hearing as specified, will result in loss of qualification.

(5) Under existing law, the department may suspend or revoke the license of a test station or repair station for failure to meet prescribed standards

This bill would permit the department to suspend or revoke an inspector's license or the qualification of a test mechanic or repair mechanic for failure to meet prescribed standards.

(6) Under existing law, the department may license a fleet owner, as described, to conduct its own test, service, and adjustment on its fleet of vehicles. Existing law permits the department to issue a citation, which may specify a civil penalty, to a licensed test station or licensed repair station which it has probable cause to believe has committed a specified violation, and provides for the person issued the citation to request a hearing on the matter.

This bill would extend these citation provisions to violations committed by a licensed inspector, qualified test mechanic, qualified repair mechanic, or fleet owner, and provides for these persons to request a hearing thereon. The bill would impose civil penalties in connection with these provisions except that, in the case of a mechanic, the bill would prescribe that the citation specify the completion of retraining courses administered pursuant to (4), above, for a first or second citation, the suspension of the mechanic's qualification until completion of the retraining courses for a third citation, and permanent revocation of the mechanic's qualification for a fourth citation

(7) Under existing law, if a licensed test station or licensed repair station fails to pay a civil penalty, the department is required to deny any application for renewal of the license. The department is required to issue certificate of compliance or noncompliance forms to licensed test stations and licensed repair stations for a fee

This bill would prohibit the department from issuing any certificate of compliance or noncompliance form to a licensee who has failed to pay a civil penalty The bill would prohibit the sale or transfer of any certificate of compliance or noncompliance by a licensed test station or licensed repair station to any other licensee or person, and the purchase or acquisition of any certificate of compliance or noncompliance by any person other than from the department, the department's designee, or pursuant to a vehicle inspection or repair, as specified, and would impose a civil penalty for a violation of this prohibition.

(8) Under other provisions, a violation of the prohibitions contained in the bill may, in lieu of the imposition of civil penalties, be punished as a misdemeanor

(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. 249 (SB 619) Maddy. Pest control aircraft.

(1) Under existing law, it is unlawful for any person to operate any aircraft in pest control unless the pilot operating the aircraft holds a valid pest control aircraft pilot's certificate issued by the Director of Food and Agriculture

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

This bill would also prohibit the operation of an aircraft in pest control unless the pilot holds an appropriate and valid commercial pilot's certificate and a current appropriate medical certificate issued by the Federal Aviation Administration (F.A.A.). Since violation of this prohibition would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law authorizes the director to refuse to issue or to revoke or suspend a pest control aircraft pilot's certificate for specified reasons

This bill would add as a reason for refusing to issue, revoking, or suspending a certificate that the person does not hold an appropriate and valid commercial pilot's certificate and a current appropriate medical certificate issued by the F.A.A.

(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 250 (SB 592) Morgan. Service Authority for Freeway Emergencies: Metropolitan Transportation Commission.

(1) Under existing law, a Service Authority for Freeway Emergencies may be established in counties by action of the county board of supervisors and a majority of cities within the county, except that a county transportation commission may be designated as the authority in specified counties

This bill would authorize the Metropolitan Transportation Commission to adopt a resolution to function as the service authority for freeway emergencies in any or all of 9 specified counties or city and county The authority would consist of all members of the commission. The bill would prohibit the commission from functioning as the authority in a particular county or city and county unless the resolution adopted by the commission has been ratified, as specified, in that county or city and county. The bill would authorize an existing authority established by a county within the jurisdiction of the commission to be merged into an authority established by the commission.

(2) Under existing law, money received by an authority from fees imposed on vehicles within a county are required to be used for an emergency motorist system for emergency call boxes on portions of the California Freeway and Expressway System and state highway routes connecting segments of that system.

This bill would also authorize use of the fees for an emergency motorist aid system on a county expressway system.

The bill would require the Metropolitan Transportation Commission, when functioning as a service authority for 2 or more counties, to expend the fee revenues for a motorist aid system in those counties in amounts proportionate to the revenues generated by the participating counties

(3) Under existing law, a service authority is authorized to issue revenue bonds only during the 2-year period following the imposition of the vehicle fees.

This bill would authorize a service authority to issue revenue bonds for each county within its jurisdiction only during the 2-year period following the start of the collection of a fee imposed for that county.

Ch. 251 (SB 104) Petris. World exposition: Australia.

This bill would appropriate $700,000 from the General Fund to the Business, Transportation and Housing Agency to enable the state to participate in the 1988 World Exposition in Brisbane, Australia and other Australian bicentennial events.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 252 (SB 361) Maddy Horseracing.

(1) The California Horse Racing Law does not define the term "Appaloosa invitational meeting."

This bill would define that term.

(2) Existing law authorizes the California Horse Racing Board to allocate racing weeks for different types of horseracing in the 3 geographic zones established in the

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

state.

This bill would further authorize the board to allocate up to 100 days of racing to an association for the purpose of conducting an Appaloosa invitational meeting which could be held only at a racing facility leased from the California Exposition and State Fair, a district agricultural association, or a county fair. These additional racing dates would increase license fees received by the state and deposited in the Fair and Exposition Fund which, for some purposes, is continuously appropriated to the Director of Food and Agriculture.

(3) Under existing law, the board is authorized to authorize specified racing associations and fairs to operate a satellite wagering facility at the racetrack inclosure or fairgrounds if specified conditions are met, including, among other things, a requirement that the satellite wagering facility has an agreement with the association conducting the racing meeting that all wagers at the satellite wagering facility will be included in the conventional or exotic pools at the racetrack where the racing meeting is conducted

This bill would provide, notwithstanding any other provision of law or any agreement, that, for purposes of determining license fees and breakage at the racetrack where the racing meeting is conducted, the wagers at the satellite facility would not be included in the conventional and exotic pools of the association conducting the meeting

(4) Under existing law, the California Exposition and State Fair or a district agricultural association in the northern zone, with the approval of both the Department of Food and Agriculture and the Department of General Services, is authorized to utilize its racing facilities for conducting horseracing meetings, with parimutuel wagering, on days other than the days on which general fair activities are conducted The horseracing meetings are required to include a program consisting of all breeds of horses.

This bill would instead authorize a district agricultural association located anywhere in the state to utilize its racing facilities to conduct a horseracing meeting when the fair is not being conducted rather than only those associations located in the northern zone The bill would also authorize a meeting conducted pursuant to these provisions to consist of an Appaloosa invitational meeting. The bill would specify the distribution for license fees, commissions, and purses for an Appaloosa invitational meeting.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 253 (SB 1515) Craven. Co-compost products.

Existing law declares that it is the policy of the state to encourage the use of compost and co-compost products by state and local governments It requires all state departments and agencies to give purchase preference to those products when they can be substituted for, and cost no more than, regular fertilizer or soil amendment products, if the products meet all applicable state standards and regulations, as determined by appropriate testing.

This bill would require the Solid Waste Management Board to conduct testing with each state department and agency which purchases co-compost or compost products produced at sites selected by the Solid Waste Management Board to determine whether the products meet the standards and regulations of existing law. It would require the Legislative Analyst to evaluate the results of the tests and to report its findings to the Legislature no later than January 1, 1989, in an interim report. A final report would be due on January 1, 1990, but the report deadline would be extended for any length of delay in the supply of the products. The bill would require the private contractor which constructs or operates the co-compost facility on the permanent site selected by the City of Los Angeles to pay the Solid Waste Management Board and each state department or agency for costs they incur in testing the products and to pay the Legislative Analyst for costs incurred in evaluating test results

Ch. 254 (SB 871) Bergeson Liens.

Existing law requires that a release or subordination of a judgment lien contain a prescribed statement in lieu of a property description if the release is to be effective as to all property in the county where the lien is recorded or if the judgment debtor has no known interest in real property in that county.

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

This bill would, in addition, require this statement to contain language that the release of the judgment lien is of all interests in real property in the particular county presently owned or thereafter acquired by the judgment debtor

Under existing law, accounts of a municipal utility district, as specified, that are delinquent, become a lien on the property to which services were rendered when a certificate to this effect is filed for recordation with the county recorder.

This bill would provide that this lien has the force, effect, and priority of a judgment lien.

Ch 255 (AB 376) Tucker. Unemployment compensation disability benefits: drug and alcohol rehabilitation programs

Existing law provides for disability benefits to an individual who is a resident of an alcoholic recovery home for an initial period of up to 30 days or of a drug-free residential facility for an initial period of up to 45 days However, if the referring physician certifies to the need of the individual for continuing resident services, the individual will continue to receive disability benefits for an additional period of up to 30 days.

This bill would extend the maximum additional time periods an individual would be eligible to continue to receive disability benefits upon certification, from 30 to, respectively, 60 and 45 days.

Ch. 256 (AB 51) O'Connell. Education.

Existing law, which will become operative on July 1, 1988, requires pupils to complete a minimum number of courses in specified subjects in order to receive a high school diploma, including one course in visual or performing arts or foreign language.

This bill would provide that for the purposes of satisfying this requirement, a course in American Sign Language shall be deemed a course in foreign language.

Ch. 257 (AB 462) N Waters. Crimes.

Existing law provides that every person who willfully resists, delays, or obstructs any public officer or peace officer, in the discharge or attempt to discharge any duty of his or her office, when no other punishment is prescribed, is punishable by a fine not exceeding $1,000, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

This bill would include the willful resistance, delay, or obstruction of emergency medical technicians, as defined, in the discharge or attempt to discharge their duties within the above provisions, thereby imposing a state-mandated local program by expanding the scope of an existing crime.

Existing law authorizes designated peace officers to close areas affected by explosions, natural disasters, accident, or other disasters whenever there is a menace to the public health or safety, and prohibits unauthorized persons to willfully and knowingly enter or willfully remain in those areas.

This bill would provide that when law enforcement officers and emergency medical technicians are at the scene of an accident, management of the scene of the accident, as defined, shall be vested in the appropriate law enforcement agency, and would require the representative of that law enforcement agency to consult with the representatives of other response agencies at the scene to ensure that all appropriate resources are properly utilized, thus imposing a state-mandated local program by imposing new duties upon local law enforcement 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, 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 for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does

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

not exceed $500,000, shall be payable from the State Mandates Claims Fund

Ch. 258 (AB 20) Margolin. California Beverage Container Recycling and Litter Reduction Act.

(1) Under existing provisions of the California Beverage Container Recycling and Litter Reduction Act, on and after September 1, 1987, every beverage container sold or offered for sale in this state is required to have a minimum redemption value of at least one cent. A violation of the act is an infraction

This bill would generally revise and recast these provisions and redefine terms Specifically, the bill would limit the authority of the Department of Conservation to examine the accounts and records of beverage manufacturers, would specify the circumstances under which the department may examine the accounting records of container manufacturers, and would require the department to establish procedures to protect proprietary information collected pursuant to the act. The bill would exempt emergency regulations adopted by the department to implement this bill from requirements concerning review by the Beverage Container Recycling Committee. The bill would require every beverage container sold or offered for sale on or after September 1, 1987, by a distributor to have a minimum redemption value of at least one cent and every beverage container sold or offered for sale on or after October 1, 1987, by a dealer to have a minimum redemption value of at least one cent

The bill would require beverage manufacturers and distributors to pay specified fees and redemption values to the department for labeled beverage containers sold or transferred before September 1, 1987, thereby imposing a state-mandated local program by creating a new crime. The bill would prohibit any person, after October 1, 1987, from selling or offering to sell, to a consumer, an unlabeled beverage container, except as specified, thereby imposing a state-mandated local program by creating a new crime. The bill would also clarify provisions of the act on return of beverage containers at recycling centers or locations

The bill would also revise the provisions establishing scrap values for beverage containers.

The bill would appropriate $3,800,000 from the General Fund or any other available fund to the department as a loan for the initial costs in carrying out the act.

(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 changes to Section 14561 of the Public Resources Code proposed by SB 775 to be operative only if SB 775 and this bill are both enacted and become effective on or before January 1, 1988, and this bill is operative last The changes made to Section 14561 of the Public Resources Code by both bills would become operative on the operative date of this bill.

(4) The bill would declare that it is to take effect immediately as an urgency statute, except that certain provisions concerning returns of beverage containers would not become operative until October 1, 1987, and the provisions requiring payment of redemption values and processing fees would not become operative until September 1, 1987.

Ch. 259 (AB 178) Sher. Reimbursement claims: desegregation costs.

(1) 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. Existing law imposes conditions on a school district for receipt of the reimbursement and establishes a maximum amount of reimbursement.

This bill would revise those conditions and the formula for determining the maximum amount of reimbursement.

(2) Existing law provides that any school district that did not file a claim prior to July 8, 1985, for reimbursement for the costs of a voluntary program of desegregation in-

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

curred in the 1983–84 or 1984–85 fiscal year shall not be eligible for reimbursement for costs incurred in those fiscal years.

This bill, in addition, would provide that any district that filed a claim for the 1984–85 or 1985–86 fiscal year prior to November 30, 1985, shall be eligible for reimbursement for costs incurred in the 1984–85 fiscal year and would make legislative findings relative thereto

This bill would further provide that approved claims for costs for the 1984–85 fiscal year filed on or after July 8, 1985, but no later than November 30, 1985, for a voluntary program designed to remedy the harmful effects of racial segregation and approved by the Controller as specified may be paid from designated funding sources This provision would authorize an existing appropriation to be spent for a new purpose and would therefore constitute an appropriation.

The bill would appropriate $2,565,000 to the Superintendent of Public Instruction for the 1986–87 fiscal year for reimbursement of certain programs designed to remedy the harmful effects of racial segregation, as specified.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 260 (AB 1630) Campbell. Air pollution civil penalties.

Under existing law, any person who violates any law, or any order, permit, rule, or regulation of an air pollution control district or air quality management district, relating to nonvehicular air pollution control, orders of abatement, and emissions limitations is liable for specified civil penalties.

This bill would specify that the period of time within which an action to enforce these civil penalties is required to be brought commences when the offense has been discovered or could reasonably have been discovered

Ch. 261 (AB 297) Klehs. Property taxation: supplemental assessments. fixtures.

Under existing law, property that changes ownership and property which is newly constructed after the lien date is assessed on the date the change in ownership occurs or the new construction is complete and is subject to a supplemental assessment. Fixtures are subject to the supplemental assessment and beginning in 1985 taxpayers were required to report to the assessor in a prescribed manner fixtures added to or removed from real property, except fixtures included in a change in ownership or that are included in a structure and are assessed at the completion of new construction of the structure. It provides 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. Commencing with the 1987–88 fiscal year, taxpayers are required to report only those fixtures which are taxable on the supplemental roll

This bill would provide that, on and after the first day of the month following the effective date of this bill, for purposes of the supplemental assessment "property" does not include fixtures, as specified, which are normally valued as a separate appraisal unit from a structure. It would repeal the law providing 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 It also would make the special reporting requirements inapplicable to fixtures added or removed on or after the first day of the month following the effective date of this bill.

This bill would declare that it is to take effect immediately as an urgency statute, however, it would become operative on the first day of the month following the effective date of the bill.

Ch. 262 (SB 981) Rosenthal. Vanpool vehicles.

Existing law regulates the stopping and loading of all vehicles on state highways.

This bill would permit local authorities by ordinance or resolution to authorize vanpool vehicles to utilize designated state highway bus stops.

This bill would require the ordinance or resolution to be submitted to the Department of Transportation for approval and would condition its effectiveness upon that approval. The department would be required to review the ordinance or resolution within 45 days

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

after receipt.

Ch 263 (AB 779) Leslie. Courts. Sacramento County.

(1) Existing law specifies the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Sacramento County.

This bill would revise the compensation of superior court reporters, the number and compensation of municipal court commissioners, and the number, compensation, and classification of other municipal court personnel, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law provides for 15 judges for the Sacramento Municipal Court District, provided that upon the adoption of a specified resolution by the board of supervisors, which resolution has been adopted, there shall be 16 judges.

This bill would revise that provision to recognize the addition of the 16th judge for the Sacramento Municipal Court District.

(3) Existing law specifies the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Santa Clara County.

This bill would revise the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Santa Clara 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. 264 (AB 1768) Nolan. Cal-Vet: duration of benefits· subsequent opportunity to purchase.

(1) Under the existing Veterans' Farm and Home Purchase Act of 1974, known as the Cal-Vet program, applications for benefits are generally required to be filed with the Department of Veterans Affairs within 25 years of discharge from service or release from active duty.

This bill would extend this period to 30 years from discharge or release, commencing one year after the effective date of the bill. The bill would also specifically require every applicant to qualify under federal laws or regulations governing the uses of tax-exempt bond funds.

(2) Under that act, a veteran purchaser may be granted a subsequent opportunity to purchase a farm or home with Cal-Vet benefits only under specified circumstances

This bill would delete the specified circumstances and require only that the purchaser pay the purchase contract in full and thereafter, within one year, apply for subsequent purchase benefits. The bill would restrict the amount of the subsequent purchase benefits to the unpaid contract balance at the time of sale of the former property

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 265 (AB 1822) Wright. Health insurance: adopted children.

Existing law requires health care service plans whose contracts provide coverage to family members or dependents of the subscriber or enrollee to offer accident and sickness coverage, from and after the moment of birth, to each newborn infant, and to each minor adopted child from and after the moment the child is placed in the custody of the adoptive parents for adoption, of any subscriber or enrollee covered.

This bill would, instead, require a health care service plan to offer this coverage from and after the moment of birth to each newborn infant of any subscriber or enrollee covered and to each minor child placed for adoption from and after the moment the child is placed in the physical custody of the covered subscriber or enrollee for adoption.

Existing law requires policies of disability insurance, self-insured employee welfare benefit plans, and family hospital service contracts, which offer specified coverage, to

---

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

offer accident and sickness coverage to newborn infants, as prescribed.

This bill would, in addition, require any such policy, plan, or contract to offer accident and sickness coverage to any minor placed for adoption from and after the moment the child is placed in the physical custody of the insured, employee, or family for adoption.

Ch 266 (AB 2068) Hauser. Mendocino County flood control.

Under existing law, the Mendocino County Flood Control and Water Conservation District is created by special act of the Legislature and consists of all the territory within Mendocino County.

This bill would change the name of the district to the Mendocino County Water Agency.

The bill would authorize the agency to issue revenue bonds pursuant to the Revenue Bond Law of 1941 The bill would generally authorize the agency to divert, produce, store, transmit, distribute, and sell surface waters and groundwater. The bill would authorize the agency to establish zones of benefit in accordance with prescribed procedures, to create a zone council, as prescribed, within the zone, and to institute projects for zones or participating zones in accordance with prescribed procedures.

The bill would also authorize the agency to levy benefit assessments, as prescribed, for specified purposes on an agencywide basis or within any zone or participating zone.

Ch. 267 (SB 95) Ellis. Property taxation: exemption

Existing property tax law exempts from taxation any aircraft which is in California on the lien date solely for the purpose of being repaired, overhauled, modified, or serviced, with certain exceptions

Existing law requires that legislation classifying or exempting personal property for property taxation purposes be adopted by a ⅔ vote of each house of the Legislature.

This bill would exempt from property taxation any aircraft of historical significance, as defined

This bill would provide for the conditions under which the exemption would not apply and the requirements for claiming the exemption, including the imposition of an initial fee

This bill would be applicable to the 1987–88 fiscal year and fiscal years thereafter.

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

Ch 268 (SB 1205) Vuich. Fresno County schools. public television.

Existing law does not authorize educational agencies to transfer property to nonprofit agencies for consideration of $1 or more.

This bill would authorize the Fresno County Board of Education and Superintendent of Schools, and any other affected public agency, after holding at least one open and public hearing, to transfer the property and licenses of public television station KMTF, Channel 18, in Fresno County, to a nonprofit corporation for a consideration of $1 or more. The bill would provide tort immunity for the public agencies and their employees involved in the transfer, and would prescribe a 45-day statute of limitations upon actions regarding the transfer. The bill would make legislative findings and declarations concerning unique circumstances necessitating its provisions.

Existing law sets forth statutory authority for a school district to enter into leases or agreements, relating to real property and buildings to be used by the district, that would effect an increase in the existing applicable maximum tax rate of the district, pursuant to an election held either before or after the adoption of a resolution of intention to enter into the lease or agreements. Existing law also specifies that if the voters of the district approved, on November 8, 1977, a tax increase for those real property purposes in an election held after the adoption of a resolution, as described above, the governing board of the district may seek voter approval to apply that tax increase to the purposes of a lease or agreement with a nonprofit public benefit corporation relating to real property and buildings to be used by the district.

This bill would extend that governing board authority, pursuant to the described voter approval, to apply in the case of revenues from a tax increase approved by district voters

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

in an election on November 8, 1977, held before the adoption of a resolution of intention to enter into the leases or agreements This bill would add certain provisions in clarification of that intent.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 269 (SB 1472) Mello. Commercial fishing

(1) Existing law authorizes the Fish and Game Commission to suspend or revoke a commercial fishing license, as specified, for specified violations.

This bill would authorize that suspension or revocation for violations of requirements relating to commercial fishing businesses, as specified.

(2) Existing law imposes prohibitions and restrictions on the taking and possession of certain species of fish for commercial purposes and on the use of specified gear, including nets, for that taking and imposes administrative and regulatory duties on the Department of Fish and Game and the commission relating to those prohibitions and restrictions. Certain of these provisions terminate on January 1, 1988 Violations of these provisions are crimes

This bill would, for some of those provisions, make the restrictions and prohibitions permanent and for others extend the termination date to January 1, 1993 Because the bill would create crimes in those extended periods, the bill would impose a state-mandated local program.

The bill would also change the seasonal take of anchovy for live bait in Humboldt Bay from 5 to 15 tons, would eliminate the authority of the Department of Fish and Game to increase that amount, would require, instead of authorizing, an employee of the department to inspect any bait operation in the bay, and would delete the annual report of the department to the Legislature on this bait fishery

The bill would eliminate an exception from the season for taking white seabass for incidental take in other fishing operations and would make other technical changes to those provisions

(3) Existing law requires the commission to determine if lampara nets may be used to take herring in Fish and Game Districts 12 and 13

This bill would, instead, make that provision apply to round haul nets, as defined

(4) Existing law requires the department to make an annual report on the effect of gill net closures until January 1, 1992.

This bill would, instead, require one report on gill net closures due on or before January 1, 1991.

(5) Existing provisions of the Fish and Game Code continuously appropriate the money 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 and to the commission to pay its expenses.

Because this bill would make the money available for a new purpose during the period the provisions are extended and would provide new revenues to that fund during the extended period, the bill would make an appropriation

(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 270 (AB 1637) Eaves. Local transportation agency· San Bernardino and Riverside Counties

(1) Existing law authorizes the establishment of local transportation agencies in particular counties and authorizes those agencies, upon voter approval, to impose a retail transactions and use tax and to issue limited obligation bonds, and to use the revenue for specified transportation purposes.

(a) This bill would enact the San Bernardino County Transportation Sales Tax Act, which would authorize the San Bernardino County Board of Supervisors, at the request of the San Bernardino County Transportation Commission, to adopt and submit to the voters for approval, by majority vote, an ordinance authorizing the commission to

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

impose a ½% retail transactions and use tax to finance highway and local transportation improvements in San Bernardino County, which would become effective if approved by the commission and the voters, as specified.

(b) The bill would also enact the Riverside County Transportation Sales Tax Act, which would authorize the Riverside County Board of Supervisors to adopt and submit to the voters for approval, by majority vote, an ordinance authorizing the Riverside County Transportation Commission to impose a ½% retail transactions and use tax to finance highway and local transportation improvements in Riverside County, which would become effective if approved by the commission and the voters, 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 impose a state-mandated local program by requiring the counties referred to in (a) and (b), above, to hold elections and by creating and prescribing new duties for the county transportation commissions in those counties.

The bill would provide that no reimbursement is required by this act for specified reasons.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 271 (AB 23) Elder Retirement: LRS rate report.

The Legislators' Retirement Law requires the Board of Administration of the Public Employees' Retirement System to conduct periodically actuarial evaluations of the Legislators' Retirement System (LRS) and establishes contribution rates for the members and the state.

This bill would require the board to report annually to the Joint Rules Committee the rate of employers' contribution which, if paid, would fully amortize the unfunded actuarial obligation of the LRS over a period of not to exceed 40 years.

Ch 272 (AB 34) Bradley. County water authorities

Under existing law, the board of directors of a county water authority consists of at least one representative, designated and appointed as prescribed, from each member public agency.

This bill would specify the requirements for the existence of a quorum necessary for the transaction of business at any meeting of the board.

Ch 273 (AB 125) Peace. Custody and duty of interment

Existing law sets forth a list of persons, in a specified order of priority, who have the right to control the disposition of a decedent's remains, where the decedent has not given other directions.

This bill would make any person against whom charges are pending for the murder, voluntary manslaughter, or involuntary manslaughter of the decedent, ineligible to control disposition of the decedent's remains if another person specified by statute petitions a court of competent jurisdiction for authority to control disposition of the remains. The bill would establish a conclusive presumption of entitlement to control disposition of the remains in these cases, based upon existing statutory priorities.

Ch. 274 (AB 132) Mojonnier. 22nd District Agricultural Association: horseracing

Existing law requires the State Race Track Leasing Commission, which supervises the leasing of the racetrack of the 22nd District Agricultural Association, to be composed of the Director of Food and Agriculture, the Director of Finance, and the Director of General Services and 3 individuals, appointed by the Governor, who are members of the board of directors of that association, one of whom is required to be the president of that board

This bill would delete the requirement that one of the members of the board of directors, who is appointed to the commission, be the president of the board.

Ch. 275 (AB 240) Moore Property taxation. allocation of supplemental roll revenues

---

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

Existing property tax law requires the county auditor to allocate property tax revenues generated from increased assessments on the supplemental rolls to various local jurisdictions for the 1983–84 fiscal year and fiscal years thereafter. It requires the county auditor to make these allocations for the 1985–86 fiscal year and fiscal years thereafter on a timely basis but not later than 30 calendar days after the close of the preceding monthly or 4-week accounting period.

This bill would specify that the duty of timely allocation of these revenues to the various local jurisdictions also includes the duty of timely payment.

Ch. 276 (AB 244) Lancaster Insurance: foreign investments.

Existing law authorizes an insurer to invest in securities and investments in a foreign country subject to certain conditions, including a requirement that the investments not exceed in the aggregate 4% of the capital and surplus or 2% of the total admitted assets of the insurer, whichever is less.

This bill would, with respect to this requirement, provide that for a life insurer having admitted assets of not less than $100,000,000, the investment shall not exceed in the aggregate 4% of the total admitted assets, as specified.

Ch. 277 (AB 495) Clute School sites

Existing law requires the governing board of every school district to provide written notice to the State Department of Education before acquiring title to property for a school site if the proposed site is within 2 miles of an airport boundary. Existing law requires the State Department of Education to investigate the proposed site and, within 30 days of receipt of notice, to submit to the governing board a written report and its recommendations, concerning the acquisition of the site. Existing law also requires the State Department of Education to notify the State Department of Transportation and requires the State Department of Transportation to make an investigation and report to the State Department of Education within 25 days after receipt of notice. Existing law also provides, that the State Department of Education is required to notify the Civil Aeronautics Board or other appropriate agency, in lieu of the State Department of Transportation, of the proposed acquisition, in the event that the State Department of Transportation is no longer in operation.

This bill would require the State Department of Education to investigate the proposed site and to submit, within 35 working days, rather than within 30 days, of receipt of notice, the written report, including its recommendations, concerning the acquisition of the site.

This bill would require the State Department of Transportation to conduct an investigation and prepare and submit a report concerning the proposed acquisition to the State Department of Education regarding the proposed site, within 30 working days, rather than within 25 days, after receipt of notice

This bill would also provide that the State Department of Education is required to notify the United States Department of Transportation or other appropriate agency, of the proposed acquisition, in the event that the State Department of Transportation is no longer in operation.

Ch 278 (AB 538) Seastrand. Sales and use tax: exemptions alcohol recovery facilities.

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 It provides sales and use tax exemptions for meals and food products served to and consumed by residents or patients of qualified health facilities and community care facilities, as defined.

This bill would exempt from state and local sales and use taxes meals and food products served on or after January 1, 1985, to and consumed by residents or patients of an alcoholism recovery facility, as defined

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.

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

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 279 (AB 568) Zeltner Driving offenses abandoned vehicles: towing

Existing law prohibits a person driving a motor vehicle from willfully fleeing or eluding a pursuing peace officer in a motor vehicle under specified conditions The offense is a misdemeanor, or, if injury results, may be a felony. Existing law also authorizes a peace officer to remove a vehicle from the highway under certain circumstances, including when an officer arrests a driver for an alleged offense and the officer takes the arrested person into custody A peace officer may also remove a vehicle from a highway or private property open to the public that has been involved in a hit-and-run accident under specified conditions.

Vehicles removed under existing law, unless otherwise provided, are required to be taken to the nearest garage or other place of safety or to a designated garage for storage, and, under specified conditions, the garage keeper has a lien for towing and safekeeping of the vehicle

This bill would, additionally, authorize a peace officer to remove and store, as defined, a vehicle used to flee or evade a pursuing peace officer if the driver abandons the vehicle and leaves it unattended, except as specified

The bill would require the towing and storage fees to be paid by the owner, unless the vehicle was stolen or taken without permission.

The bill would declare legislative intent.

Ch 280 (AB 609) Frizzelle Vehicles license plates

Existing law permits registered historical motor vehicle owners to use license plates corresponding to the model year date, as approved by the Department of Motor Vehicles

This bill would permit those license plates to be used on any registered historical vehicle.

Ch. 281 (AB 617) Tanner. Hazardous waste· state and county plans.

(1) Existing law authorizes a county to adopt, by September 30, 1988, a county hazardous waste management plan pursuant to guidelines adopted by the State Department of Health Services and specifies the procedures for the preparation, revision, adoption, approval, and amendment of these plans A county is required to submit the draft plan to the department by December 31, 1987, and to conduct hearings on the plan from January 1, 1988, to March 31, 1988, inclusive, and the department is required to review the draft plan by March 31, 1988.

This bill would authorize the department to extend to March 31, 1988, the date when the draft plan is required to be submitted if the county makes a specified showing to the department The bill would extend to June 30, 1988, the date when the hearings are to be conducted and for completion of the department's review if the department grants the time extension

(2) Existing law requires the department to prepare and adopt a state hazardous waste management plan on or before July 1, 1988, and include in the plan, and in each revision thereof, specified elements, including an assessment of the need for additional hazardous waste facilities to manage the waste expected to be produced during the next 5 years

This bill would extend the date when the plan is required to be adopted to November 1, 1989, and would instead base that assessment of need for additional facilities on the management of waste expected to be produced during the next 20 years

Ch 282 (AB 624) Duplissea Vehicles: license plates

Existing law permits vehicles of 10,000 pounds or more to display tabs showing year

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

of issuance and month of expiration upon front license plates rather than upon rear license plates.

This bill would limit those provisions to commercial motor vehicles of that weight

Ch. 283 (AB 629) Stirling. Parole.

Existing law, with specified exceptions, requires inmates released on parole to be returned to the county from which he or she was committed

This bill would define the term "county from which he or she was committed" as the county where the crime for which the inmate was committed occurred.

Ch. 284 (AB 797) Duplissea. Vehicles right-of-way.

(1) Existing law requires drivers about to enter or cross a highway from public or private property or from an alley to yield the right-of-way to approaching traffic on the highway.

This bill would instead require those drivers to yield the right-of-way to approaching traffic that is so close as to constitute an immediate hazard and would require other traffic on the highway to then yield to drivers entering or crossing the highway, thereby imposing 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. 285 (AB 879) Stirling Witnesses· hypnosis.

Existing law provides that the testimony of a witness who has undergone hypnosis for the purpose of recalling events which are the subject of the witness' testimony is not inadmissible by reason of that fact if, among other things, the hypnosis was performed under specified conditions, including being performed by a licensed medical doctor or psychologist

This bill would include hypnosis performed by a licensed clinical social worker experienced in the use of hypnosis and a marriage, family and child counselor certified in hypnosis by the Board of Behavioral Science Examiners in those provisions.

Ch. 286 (AB 996) Campbell. Endangered species. project reviews

(1) Under the California Endangered Species Act, the taking, possession, purchase, sale, export, or import of designated species is prohibited, except as provided.

This bill would provide that a landowner of property on which a designated species lives is not liable for injury to personnel of, or to persons under contract with, the Department of Fish and Game if the injury occurs while those persons are conducting survey, management, or recovery efforts.

(2) Under existing law, until July 1, 1988, whenever the department consults with a state lead agency pursuant to the California Environmental Quality Act, the department is required to find, based on the best existing evidence, whether the project would jeopardize the continued existence of an endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of the species.

This bill would require the department to base its determinations on the best available evidence instead of the best existing evidence.

The bill would also require each state lead agency to consult with the department, in accordance with guidelines developed by the department, to ensure that any action by the state lead agency is not likely to jeopardize the continuing existence of any endangered or threatened species.

The bill would extend the termination date of those requirements to July 1, 1990.

Ch 287 (AB 927) Leslie. Drugs· treatment of addiction.

Existing law specifies the facilities where an addict for addiction to a narcotic drug which is an opiate may be treated

---

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

This bill would delete the limitation that the narcotic drug be an opiate and thus would prohibit the treating of an addict for addiction to any narcotic drug except in the specified facilities and would include a facility licensed by the State Department of Alcohol and Drug Programs in that list of facilities.

The bill would also change an incorrect reference in that provision of law.

Ch. 288 (AB 1041) Peace. Hazardous waste transportation.

(1) Existing law requires the State Department of Health Services to adopt regulations for the handling, including transportation, of hazardous waste

This bill would require the department to adopt regulations, consistent with federal law, concerning the transportation of hazardous waste from this state across international boundaries, as specified, thereby imposing a state-mandated local program since a violation of the regulations under other provisions would be a misdemeanor.

The department would also be required to adopt procedures for the purpose of receiving information collected by the Environmental Protection Agency concerning the transportation of hazardous waste across international boundaries.

(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 289 (AB 1121) Zeltner. Health and long-term care insurance.

Under existing law, the Department of Aging and the Department of Insurance have certain powers and responsibilities in matters dealing with health and long-term care services and insurance.

This bill would require those departments to jointly develop interagency procedures for referring and investigating suspected instances of misrepresentation in advertising or sales of health and long-term care insurance policies.

Ch 290 (AB 1183) Costa. Motor vehicles trip permits.

Existing law requires the Department of Motor Vehicles, upon payment of a fee, to issue a 5-day, one-trip permit that authorizes moving or operating, as part of one continuous trip, a laden, unregistered new or used trailer or semitrailer in this state.

This bill would include unregistered new or used auxiliary dollies in those permits.

Ch 291 (AB 1209) Stirling Peace officers

Under existing law certain persons are designated as peace officers.

This bill would make technical, nonsubstantive changes in that provision.

Ch 292 (AB 1217) Bates State employees: disabled persons

Under existing law, it is policy of the state to encourage and enable disabled persons to participate fully in the social and economic life of the state.

This bill would also declare it a policy of the state that a department, agency, or commission shall make reasonable accommodation, as defined, for the physical or mental limitations of an otherwise-qualified disabled applicant or employee, unless undue hardship, as defined, to the employer is demonstrated The bill would prohibit a department from denying employment because of that requirement.

Ch 293 (AB 1293) Wright. Hazardous waste storage.

Existing law requires operators of hazardous waste storage facilities to obtain a hazardous waste facilities permit and defines storage facility as including a facility where (1) hazardous waste is contained in a tank for any period of time and above specified amounts, unless the tank is a portable tank or meets specified requirements concerning the waste's accumulation, and (2) where hazardous waste is contained at a transfer facility, as defined, for periods greater than 96 hours

This bill would revise this definition of storage facility to include any facility where hazardous waste is stored for any period of time and above the same amounts, thereby imposing a state-mandated local program by creating a new crime. The bill would

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

exclude from this requirement hazardous waste stored in a portable tank or hazardous waste which meets specified requirements concerning its accumulation. The bill would also increase the amount of time for which the hazardous waste may be contained at a transfer facility to 144 hours.

(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. 294 (AB 1307) Seastrand State employees supervisor training and memoranda of understanding

(1) Existing law requires the Department of Personnel Administration to conduct supervisory employee training programs. The training is required to consist of techniques of supervision and management and the role of supervision and management.

This bill would delete the requirement that the training consist of the role and techniques of management

(2) Existing law provides that if an agreement is reached between the Governor and a recognized employee organization, they shall jointly prepare a written memorandum of this understanding which shall be presented, when appropriate, to the Legislature for determination. Existing law also provides that if any provision of the memorandum of understanding requires the expenditure of funds, those provisions shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve memoranda of understanding between the state employer and the California Correctional Peace Officers Association, the International Union of Operating Engineers, and the California Association of Psychiatric Technicians, notwithstanding the above provision relating to the expenditure of funds.

(3) This bill would declare that it is to take effect immediately as an urgency statute

Ch. 295 (AB 1312) Lancaster Consumer credit: contracts open-end credit.

Existing law provides 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 require the word "your" as it appears in one place in the notice to be printed in italics in the notice, and in the statute setting forth the notice, except as specified.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 296 (AB 1313) Chandler. Department of Fish and Game: gifts

Existing law does not specifically authorize the Department of Fish and Game to accept gifts from counties.

This bill would authorize the department to accept gifts of personal property if the donor is a county and the gift is purchased with fine money derived from fish and game violations.

Ch. 297 (AB 1366) Costa. Fish and game laws: reciprocal information sharing.

Existing law authorizes the Fish and Game Commission to enter into reciprocal agreements with corresponding state or county official agencies of adjoining states regarding reciprocal fishing licenses

This bill would authorize the Department of Fish and Game to enter into reciprocal agreements with any appropriate federal or county agencies, or agencies in other states, for purposes of exchanging information on fish and wildlife law enforcement, as specified

Ch. 298 (AB 1404) Duplissea Vessel transfer and registration.

(1) Existing law authorizes the Department of Motor Vehicles to issue stickers, tabs,

---

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

or other suitable identifying devices for registered vessels.

This bill would provide that those devices could only be displayed on the vessel for which they were issued, thereby imposing a state-mandated local program by creating a new crime. The bill would also authorize specified department personnel and peace officers to inspect the hull identification number and certificates of ownership at specified places

(2) Existing law requires vessel owners to furnish the department with notice of the junking of undocumented vessels.

This bill would instead make that requirement applicable to dismantling

(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. 299 (AB 1426) Calderon Industrial loan companies· real estate loans.

Existing law limits to 15 years the maximum term of any loan or obligation which is secured primarily by real property and which is made, purchased, or discounted by an industrial loan company.

This bill would increase that maximum loan term to 30 years.

Existing law limits the total amount of loans and obligations secured wholly or primarily by real property, and with a term in excess of 3 years, that may be made, acquired, or discounted by industrial loan companies to 50% of any industrial loan company's total assets.

This bill would revise that provision to limit those loans and obligations to 70% of an industrial loan company's assets

Ch. 300 (AB 1455) Hannigan. Penalty assessments

Existing law authorizes counties to establish courthouse temporary construction funds and county criminal justice facility construction funds, to be funded by specified penalty assessments and surcharges

This bill would authorize the Boards of Supervisors of Solano County and Orange County to establish the Solano County Transition Planning Trust Fund and the Orange County Transition Planning Trust Fund, respectively, to finance county criminal justice facility transition planning, as specified, to be funded by a penalty assessment of $1 for every $10 or fraction thereof collected on specified fines and forfeitures.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 301 (AB 1494) Peace. Taxation. documentary transfer tax.

Existing law authorizes counties and cities and counties to impose a documentary transfer tax at a specified rate upon deeds, instruments, or other writings by which specified property is transferred.

This bill would preclude the imposition of that tax upon (1) certain conveyances whereby realty is conveyed by a governmental entity and immediately reconveyed to the exempt public agency, and (2) certain conveyances to a nonprofit corporation which financed or refinanced, with obligations issued by the nonprofit corporation on behalf of a governmental unit, the acquisition, construction, or improvement of the realty

Ch. 302 (AB 1529) Mojonnier. Vessels

(1) Existing law prohibits intentionally defacing, destroying, or altering the hull identification of a vessel without the written authorization of the Department of Motor Vehicles.

This bill would make it unlawful to knowingly buy, sell, or have in possession, any vessel or component part with an altered or destroyed hull identification number, thereby imposing a state-mandated local program, and would provide impoundment and disposition procedures for seized vessels and parts, including requiring a court hearing on the seizure within 60 days

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

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

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. 303 (AB 1611) La Follette. Hazardous substances. immediate corrective action.

Existing law authorizes the State Department of Health Services to enter into oral contracts of not more than $2,000 in obligation when the department determines that immediate corrective action is necessary to remedy or prevent an emergency resulting from a fire of, explosion of, or human exposure to, hazardous substances

This bill would increase the amount of the oral contract which the department may enter to $5,000.

Ch. 304 (AB 1974) Condit Local members of PERS public service credit—nonprofit corporation employment

The existing Public Employees' Retirement Law provides for the granting of public service credit.

This bill would add, with respect to local members, a definition of "public service" which includes service rendered to any California nonprofit corporation whose function is to serve firefighters employed by state and local agencies, which would be inapplicable to contracting agencies and their employees unless and until the contracting agency elects to be subject thereto. This new authorization would impose on contracting agencies state-reimbursable state-mandated local negotiating 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 305 (AB 2228) Chandler. Administrative procedure.

(1) Under existing law, an agency which is a party to an adjudicatory hearing is authorized to order a reconsideration of all or part of the case on its own motion or on petition of any party The power to order a reconsideration expires at the end of 30 days from either of 3 separate occurrences

This bill would authorize an agency to grant a stay of expiration for no more than 10 days, if additional time is needed to evaluate a petition for reconsideration which is filed prior to the expiration date of any of those occurrences

(2) Under existing law, the State Department of Health Services is required to conduct an audit of amounts paid for services provided to Medi-Cal beneficiaries and requires the director of the department to adopt regulations establishing an administrative appeal process to review complaints arising from the findings of the audit.

If, as a result of an audit, an overpayment to a health care provider is identified, and 90 days has elapsed since the director issued a final decision on appeal, the director is authorized to, not later than 3 years after the payment became due and owing, file a certificate requesting that judgment in the amount owed plus interest be entered against the provider.

This bill would authorize the director to file that certificate 90 days after the findings of the audit or examination are final and no appeal is taken.

Ch. 306 (AB 2313) N Waters. Crimes

Existing provisions of the California Major Narcotic Vendors Prosecution Law make

---

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

various legislative findings and statements of legislative intent regarding the need to support efforts to prosecute drug producers and sellers through proven organizational and operational techniques

This bill would state legislative findings and declarations that the level of production, distribution, and sale of narcotics in small counties requires those counties to bear a disproportionate burden of funding criminal justice costs. This bill would recognize the need to provide financial assistance to those counties

Existing law requires the Executive Director of the Office of Criminal Justice Planning to prepare and issue written program and administrative guidelines and procedures for the California Major Narcotic Vendors Prosecution Program, as specified.

This bill would require the guidelines and procedures to be submitted to the chairpersons of designated legislative committees and would also require the guidelines to provide for the allocation and award of funds to small county applicants, as defined. This bill would also delete certain obsolete language relative to the preparation and issuance of these guidelines

Ch. 307 (AB 2420) McClintock. Instruments: acknowledgement.

Under existing law, an officer may not acknowledge an instrument unless he or she knows, or has satisfactory evidence that the person making the acknowledgment is, the individual who is described in and who executed the instrument Existing law defines "satisfactory evidence" to mean the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person making the acknowledgment is not the individual he or she claims to be, plus an oath or affirmation, or an identification card, passport, or driver's license, as specified.

This bill would include within the documents which establish "satisfactory evidence" an inmate identification card issued by the Department of Corrections, if the inmate is in custody

Ch. 308 (AB 2446) Eastin Transactions and use taxation: vehicles, vessels, and aircraft.

Under the Transactions and Use Tax Law, a retailer engaged in business in any district subject to the tax is not required to collect use tax from the purchaser of tangible personal property unless the retailer ships or delivers the property into the district or participates within the district in making the sale of the property.

This bill would provide that any retailer of specified vehicles, aircraft, and vessels is "a retailer engaged in business in the district" for purposes of this use tax, thereby requiring such a retailer to collect use tax from any purchaser who registers or licenses such a vehicle, aircraft, or vessel at an address in any district subject to the tax.

The bill would require the State Board of Equalization to make available to all licensed vehicle, aircraft, and vessel dealers who hold seller's permits in this state, information concerning the cities and counties located within districts which impose transactions and use tax ordinances and the applicable tax rates in those cities and counties.

Ch 309 (AB 2627) O'Connell Driving offenses.

(1) Existing law defines vehicular manslaughter and gross vehicular manslaughter while intoxicated and makes a conviction of vehicular manslaughter involving alcohol, as specified, a violation of the prohibition against driving while under the influence of an alcoholic beverage, any drug, or both, or driving with an excessive blood-alcohol concentration and while so driving doing an unlawful act or failing to perform a duty which causes bodily injury to another.

This bill would also make gross vehicular manslaughter while intoxicated a violation of that driving offense for purposes of suspension or revocation of driver's licenses and for the purposes of enhancement of penalties for subsequent offenses, as specified, thus imposing a state-mandated local program by changing the punishment for a 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

---

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

reason

Ch 310 (AB 2659) W Brown San Francisco Harbor. Burton Act.

Under existing law (the Burton Act), the City and County of San Francisco has been granted lands from the state, in trust for purposes of commerce, navigation, and fisheries and subject to specified terms and conditions relating to the operation of the Harbor of San Francisco

This bill would declare specified seawall lots among the granted lands to be free from the public trust for commerce, navigation, and fisheries, but would require the described property to continue to be held in trust by the city and county subject to the terms and conditions of the Burton Act and subject to specified use restrictions The bill would specify requirements relating to use of the lands for the Rincon Point-South Beach Redevelopment Project and would authorize the city and county to exchange portions of the granted lands for lands of equal or greater value that are useful for trust purposes authorized in the Burton Act subject to specified determinations and to specified actions by the State Lands Commission

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

The bill would declare that it is to take effect immediately as an urgency statute

Ch 311 (AB 2666) Hannigan Special education and services

Existing law declares that it is the intent of the Legislature that special education programs provide, among other things, early educational opportunities to all children between the ages of 3 and 4 years and 9 months, inclusive, who require intensive special education and services.

This bill would, instead, declare that it is the intent of the Legislature that special education programs provide, by June 30, 1991, early educational opportunities for all children between the ages of 3 and 5 years, inclusive, who require special education and services By expanding the group of eligible persons and by requiring that special education and services be provided to persons in that age group who do not require intensive education and services, this bill would impose a state-mandated local program

Existing law requires each entity providing special education under specified provisions to adopt policies for programs and services it operates consistent with specified agreements.

This bill would require the policies to include, contingent upon the issuance of specified guidelines or proposed regulations, the maximum caseloads with respect to the provision of early education services for preschool children This bill would thereby impose a state-mandated local program

Existing law requires the submission to the Superintendent of Public Instruction of local plans for the education of individuals with exceptional needs, as specified.

This bill would, in addition, require that each special education local plan area submit a plan to the superintendent by September 1, 1987, for providing special education and services to individuals with exceptional needs, as defined, who are between the ages of 3 and 5 years, inclusive, as specified By requiring this additional report, this bill would impose a state-mandated local program

This bill would require that the superintendent provide for a 4-year phase-in of these individuals who do not require intensive special education and services, as specified, and would require that these individuals be served, as specified, by June 30, 1991, to the extent required under federal law and pursuant to the local plan and application approved by the superintendent. This bill would exclude individuals who require intensive special education and services from the phase-in plan

This bill would require the special education local plan area director to submit a written report on local educational agencies that are expected to experience an increased demand on school facilities as a result of the projected growth of individuals with exceptional needs who are between the ages of 3 and 5 years, inclusive, and thereby impose a state-mandated local program This bill would require the State Allocation Board to assess the situation and explore ways to resolve the school facilities impaction situation and would require the superintendent to provide technical assistance to local educational agencies, as specified

---

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

This bill would require that the superintendent develop a funding formula for the distribution of specified federal funds to local providers, to be developed in consultation with the Legislative Analyst and the Director of Finance, as specified.

Existing law defines "individuals with exceptional needs" to include, among other persons, individuals between the ages of 3 and 4 years and 9 months, inclusive, requiring intensive special education or services, as specified

This bill would define that term to include, in addition, persons between the ages of 3 and 5 years, inclusive, requiring intensive special education and services, as specified, and persons between the ages of 3 and 5 years, inclusive, who require special education and services, yet do not require intensive education and services By expanding this definition to include persons between the ages of 3 and 5 years, inclusive, and to include persons who do not require intensive education and services, this bill would impose a state-mandated local program.

This bill would require that these services by state and local agencies be coordinated with other state and local agencies, as specified This bill would require the superintendent to identify similar services by other state and local agencies.

This bill would require an early education program, as specified, to include specially designed services to meet the unique needs of preschool children and their families, as specified

This bill would authorize providing early education services to individuals or small groups and would require that these services include specified components This bill would specify that the duration of group services shall not exceed 4 hours per day unless determined otherwise, as specified.

This bill would require that these services be provided in appropriate settings, as specified, would require appropriate instructional adult-to-child ratios for group services, as specified, and would require provision of family involvement activities, as specified.

This bill would require provision of early education services for preschool children through a transdisciplinary team approach, as specified, and would require the superintendent to issue caseload guidelines or proposed regulations, as specified

This bill would authorize provision of early education services for preschoolers through various mechanisms, including, but not limited to, contracting for the services, as specified

This bill would encourage the use of cost-effective contracts for the provision of these services, and would prohibit the use of specified funds for funding these services.

This bill would establish eligibility requirements for these services, as specified, and would require that the superintendent evaluate the effectiveness of these eligibility requirements by June 30, 1989, and recommend legislative changes, as needed.

This bill would require that the criteria and options for meeting the special education transportation needs of preschool children be included in the local transportation policy, as specified, and would thereby impose a state-mandated local program

This bill would require that the superintendent provide training and technical assistance, as specified, and develop program modification methods and models, program guidelines, curricula, personnel standards, and a plan to meet the unique needs of children who are limited-English proficient and of diverse cultural backgrounds, as specified

This bill would require the State Department of Education to amend its interagency agreement with the Administration for Children, Youth, and Families, Region IX, Head Start, United States Department of Health and Human Services, to permit a district, special education local plan area, or county office to contract with a Head Start program for special education and services for individuals with exceptional needs between the ages of 3 and 5 years, inclusive.

The bill would require the superintendent, as part of the annual evaluation for special education programs conducted pursuant to existing law, to conduct an evaluation of the effectiveness of the expanded preschool programs provided by this bill

This bill would declare the intent of the Legislature that the gains made in the special education program for individuals who received education and services pursuant to this

---

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

bill are not to be lost by the removal of the individualized programs and supports too rapidly. This bill would require the individualized education program team to identify a means of monitoring the child, as specified, as part of the transition process, and to note the performance level and learning style, as part of the exit process from special education.

The bill would require the superintendent to adopt rules and regulations to ensure that apportionments, inclusive of federal funds, for all individuals with exceptional needs between the ages of 3 and 5 years, inclusive, shall be paid, to the extent permitted by federal law, for no more than 3% of the statewide population of children between the ages of 3 and 5 years, inclusive, as determined in the demographics prepared by the Department of Finance in the 1990–91 fiscal year.

This bill would provide that specified provisions of this bill shall not be construed to limit the responsibility of noneducational public agencies from providing or paying some or all of the costs of a free appropriate public education for individuals with exceptional needs between the ages of 3 and 5 years, inclusive, or to permit these agencies to reduce specified assistance or alter eligibility under specified provisions of the federal Social Security Act.

This bill would declare that if the federal government fails to fund the authorized level of educational services for the handicapped, as specified, during the federal fiscal year of 1988, or any fiscal year thereafter, California shall terminate its participation in this program

This bill would require that the superintendent report annually, prior to October 15, to the Joint Legislative Budget Committee and the Department of Finance, as specified This reporting requirement would become inoperative on January 1, 1992.

This bill would declare that for the 1987–88 fiscal year, funds shall be allocated from the Budget Act, as specified, for the purposes of this bill.

This bill would specify that the changes in existing law which would be made by this bill shall remain in effect only until California terminates its participation in special education programs for individuals with exceptional needs between the ages of 3 and 5 years, inclusive, as specified.

This bill would require that the Superintendent of Public Instruction provide written notice to the Legislature and the Secretary of State certifying the fact of termination of these programs, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 312 (AB 2676) Bane. Members of the Legislature: salary.

Existing law provides that the annual salary of each Member of the Legislature is $37,105.

This bill would increase the annual salary of each Member of the Legislature to $40,816

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. 313 (SB 100) Lockyer. Recreational corridor. San Francisco and San Pablo Bays.

(1) Under existing law, there are no express provisions for a bicycling and hiking trail extending around San Francisco and San Pablo Bays Existing law authorizes the allocation of specified local transportation funds for facilities for pedestrians and bicycles.

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

This bill would direct the Association of Bay Area Governments to develop and adopt a plan and implementation program for a continuous recreational corridor which will extend around the perimeter of San Francisco and San Pablo Bays, thereby imposing a state-mandated local program. The bill would require the plan to include a specific route of a bicycling and hiking trail, would require the association to submit the plan to the Legislature not later than January 1, 1989, would direct the association to establish specified committees, and would specify related matters.

The bill would authorize the Metropolitan Transportation Commission to allocate specified money in the local transportation fund to the Association of Bay Area Governments for the purposes of 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 provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 314 (SB 166) Craven Vehicles· parking: disabled persons

(1) Existing law prohibits parking in stalls or spaces designated for disabled persons and disabled veterans without displaying specified plates or placards.

This bill would also prohibit obstructing, blocking, or otherwise barring access to those parking stalls or spaces, thereby imposing a state-mandated local program by creating a new crime

(2) Under existing law, a local authority, by ordinance or resolution, or any person in lawful possession of an offstreet parking facility, as specified, is required to designate a parking space for disabled persons and disabled veterans with a specified design painted in the space or with a sign, as specified.

This bill would require the use of a specified sign and, on the parking space, either of 2 specified types of markings, thereby imposing 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. 315 (SB 223) Davis. Ventura Regional Sanitation District.

Under existing law, the governing board of the Ventura Regional Sanitation District is composed of 5 members appointed in a specified manner One of the members is appointed by an independent special district committee, as defined.

This bill would instead provide that the Ventura Regional Sanitation District shall be composed of one member from the legislative body of each city located wholly or partially in the district, to be appointed by the members of the respective legislative body, and one representative, to be appointed by the independent special committee from among the governing board members of independent special districts.

The bill would also specify that a majority of the board members of the Ventura Regional Sanitation District must be present in order to transact business, that a majority vote of the members present is necessary to take board action, except as otherwise required by law, and that each board member has one vote.

Since the bill would enlarge the membership of the board of directors of the Ventura Regional Sanitation District, thereby creating greater administrative costs for the expenses of board members, 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.

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

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

Ch 316 (SB 290) McCorquodale State employees: transfers and reinstatements.

(1) Under existing law, an appointing power may reinstate any person having probationary or permanent status with the state civil service who was separated from his or her position under specified conditions, subject to specified criteria, including, in any vacant position in a lower class in a related series and in another class having substantially similar duties and substantially the same salary range, as specified.

This bill would delete those criteria and authorize reinstatement into another class to which the employee could transfer or demote in accordance with State Personnel Board rule

(2) Under existing law, an appointing power may transfer a state employee to another position in a different class designated as appropriate by the State Personnel Board. This provision, however, may be superseded by a memorandum of understanding between the Governor and a recognized employee organization, if the memorandum of understanding is in conflict with this provision

This bill would authorize an appointing power to transfer a state employee to another class designated as appropriate by the State Personnel Board notwithstanding a memorandum of understanding.

(3) Under existing law, the Department of Personnel Administration, subject to the approval of the State Personnel Board, is authorized to enter into arrangements with other agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees.

This bill would recast those provisions and other provisions relating to the transfer of employees subject to board rule and make technical changes thereto. The bill would authorize an appointing power to enter into arrangements with other jurisdictions for the purpose of exchanging services and effecting employee transfers

Ch. 317 (SB 310) Deddeh. Transportation: reports· state highways.

Existing law requires the Department of Transportation to report to the Legislature, at the commencement of each regular session, on specified topics, including a report on the intercity corridor demonstration program and a report on the abandoned railroad line program.

This bill would repeal the provision requiring these 2 reports, delete obsolete provisions, and make a statement of legislative intent respecting the state highway system

Ch. 318 (SB 432) Torres. Adult education· nonimmigrant aliens.

Existing law authorizes the governing board of any school district maintaining secondary schools, with the approval of the State Department of Education, to establish and maintain classes for adults. Existing law specifies that no charge of any kind shall be made for a class for adults in English and citizenship for foreigners or a class in an elementary subject

This bill would establish an exception to this prohibition by requiring any governing board maintaining these classes for adults that issues a Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students, Form I-20AB, to, or completes this form for, a nonimmigrant alien, as defined, for the purposes of enrolling the nonimmigrant alien in these classes to charge this student a fee to cover the full costs of instruction. This bill would provide that this fee shall be adopted at a regular meeting of the governing board at least 90 days prior to the commencement of the classes for which the fee is charged. The bill would also set forth legislative findings and declarations

This bill would provide that the above provisions would become operative July 1, 1988.

Ch. 319 (SB 523) Russell Environmental impact reports: negative declarations.

Existing provisions of the California Environmental Quality Act require each state agency and local agency to establish time limits for completing and certifying environmental impact reports and for completing negative declarations, but all time limits are to be measured from the date the application requesting approval of a project is received and accepted as complete by the state agency or local agency.

This bill would prohibit any application for a project from being deemed incomplete

---

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

for lack of a waiver of time periods prescribed by state regulation or local ordinance or resolution.

Ch. 320 (SB 563) Rogers. Animal quarantine: brucellosis

Existing law provides for nonpayment of indemnity for the slaughter of bovine animals in brucellosis control areas under specified circumstances.

This bill would also provide for nonpayment to the owners of infected herds who do not meet prescribed eradication dates and provide that those owners become liable for the costs of maintaining required testing schedules, with specified exceptions

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 321 (SB 608) Deddeh. Vehicles drivers' licenses.

(1) Existing law prohibits the Department of Motor Vehicles from issuing a driver's license to certain described persons, including those with specified physical, medical, or other disorders. However, existing law authorizes the department to issue licenses to persons with physical or mental defects which it finds do not affect reasonable and ordinary control of a motor vehicle.

This bill would revise and recast those provisions with technical changes.

(2) Under existing law, persons diagnosed with disorders involving lapses of consciousness are required to be reported to the local health officer by physicians. The officer reports to the State Department of Health Services and the state department then reports to the Department of Motor Vehicles for licensing purposes. The state department is required to define reportable disorders

This bill would require that definition to include Alzheimer's disease and related disorders

Ch. 322 (SB 613) Presley. Witnesses.

(1) Existing law adopts the Uniform Act to Secure the Attendance of Witnesses from without the State in Criminal Cases, which, among other things, establishes a $20 per diem for out-of-state witnesses in criminal cases

This bill would create an exception to the per diem provision for inmate witnesses, and provide instead for their food and lodging at an appropriate penal institution in this state, 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 323 (AB 556) Lewis Mobilehome sales. unlawful occupant.

Existing law provides that upon a sale or other transfer of a mobilehome, if the mobilehome is to remain in the park, the escrow, sale, or other transfer agreement shall contain a provision signed by the purchaser stating that the purchaser has agreed to the terms of a rental agreement; and provides that in the event the purchaser does not execute the rental agreement, the purchaser does not have any rights of tenancy.

This bill would provide that if an occupant, having no rights of tenancy, refuses to surrender the park site for a period of 5 days after a demand to do so has been made, he or she would be considered an unlawful occupant and would be subject to applicable summary proceedings. The bill would also provide that the occupant of a mobilehome shall not be considered an unlawful occupant and subject to the above proceedings if certain conditions are met

---

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

Ch. 324 (AB 466) Polanco. Redevelopment agencies: multifamily rental housing.

Existing law authorizes redevelopment agencies of cities or counties over 600,000 in population to use revenue bond proceeds to finance multifamily rental units outside redevelopment project areas if, among other things, at least 20% of the units (15% in target areas) are occupied by, or made available to, defined individuals of low and moderate income These provisions expire January 1, 1988.

This bill would extend these provisions until January 1, 1991

Ch 325 (AB 1557) McClintock. Coastal resources. county and city grants.

Under existing law, the Secretary of Environmental Affairs is authorized to award block grant funds appropriated from the Offshore Energy Assistance Fund to coastal counties, in accordance with a prescribed formula, for specified activities relating to offshore energy development and to use not more than $200,000 of the appropriated funds over a 3-year period for administrative costs

This bill would require $50,000 of the appropriation which has not been allocated to be allocated to coastal counties pursuant to the existing allocation formula The bill would delete the requirement that the funds used by the secretary for administrative costs be limited to a 3-year period The bill would change the requirements for the expenditure of appropriated funds, thereby making an appropriation.

Ch. 326 (AB 2015) Eaves Public Utilities Commission. decisions

Under existing law, a decision of the Public Utilities Commission is required to be issued by the commission not sooner than 30 days after the administrative law judge assigned to the proceeding files and serves the proposed decision

This bill would permit the commission to reduce or waive this 30-day period in an unforeseen emergency situation or upon the stipulation of all parties

Ch. 327 (AB 2042) Hughes Postretirement STRS benefit increases. base date

The existing State Teachers' Retirement Law provides for certain postretirement benefit increases and for the conversion of disability allowances into service retirement allowances under specified conditions

This bill would require that the original disability allowance effective date be retained as the base date for determining any postretirement benefit increases on or after January 1, 1982.

Ch. 328 (AB 2072) Mojonnier Sheriffs' services fees

Existing law establishes fees for various services performed by sheriffs for the preparation, serving, execution, or delivery of various documents, notices, writs, and certificates and for the performance of other services

This bill would increase certain of those fees, and eliminate others, as specified

Ch. 329 (AB 2169) Costa. State Military Reserve. inactive duty: unpaid leave.

Under existing law, any public employee who is a member of the reserve corps of the armed forces of the United States, the California National Guard, or the Naval Militia is entitled to a leave of absence with pay, as specified, for active duty military training and similar activities, and is entitled to a leave of absence for inactive military duty with no requirement of pay for the military leave An employee of a private business is entitled to temporary military leave of absence without pay for not more than 17 calendar days annually, as specified.

This bill would permit any public or private employee who is a member of the State Military Reserve to take a leave of absence not to exceed 15 calendar days per year for inactive duty training

Ch 330 (AB 2192) Grisham State Teachers' Retirement System reduced workloads

The existing State Teachers' Retirement Law (STRL) defines various terms, authorizes contracts with qualified investment personnel to render service in connection with the investment program, and requires employment of a person experienced and knowledgeable in corporate management issues to monitor each owned corporation and

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

provide specified advice regarding share voting and shareholder responses.

This bill would add definitions of "investment manager," "investment adviser," "investment transactions," "custodian," "early retirement," and "early retirement date"; make the investment personnel provisions and the monitoring and advising provision applicable, instead, to investment managers; and make other related changes

A provision of the STRL authorizes reduction of the corrected monthly allowance, by not more than 15%, if the error was due to inaccurate information provided by the allowance recipient.

This bill would make that provision also applicable to errors due to nonsubmission of information by the allowance recipient

Three separate statutes authorize the establishment by school districts and county superintendents of schools or by community college districts, in conjunction with the State Teachers' Retirement System (STRS), of a program for certificated employees for the reduction of their workload from full-time to part-time but with receipt of STRS service credit as if they were on a full-time basis, if specified contributions for full-time service are paid to STRS by the employee and the employer. Each statute had included as criteria for the program, a provision providing that the part-time employment period not exceed 5 years nor extend beyond the end of the school year in which the member attains age 70. Chapter 369 of the Statutes of 1986 deleted that provision from the statute relating to the STRS.

This bill would delete those provisions from the statutes relating to school districts and county superintendents of schools and to community college districts.

This bill would also make related, technical, corrective, and updating changes.

Ch 331 (AB 2232) Mojonnier Education· student and adult organizations food sales.[4]

Existing law provides that the governing board of any school district may authorize any organization composed entirely of pupils attending the schools of the district to maintain any activities approved by the board.

This bill would delete this authority

Existing law provides that the governing board of any school district may authorize student organizations to sell food on school premises subject to policy and regulations of the State Board of Education.

This bill would grant the same authority to county offices of education and would authorize the governing board of any school district or any county office of education to permit any pupil or adult entity or organization to sell food on school premises, subject to policy and regulations of the State Board of Education

Existing law requires the State Board of Education to develop policy and regulations controlling the sale of food by school district student organizations in kindergarten and grades 1 to 12, inclusive, as specified

This bill would require the State Board of Education to include adult organizations within those policies and regulations, as specified This bill would make other related technical changes.

To the extent that the State Board of Education would be authorized to regulate county offices of education and school districts which permit additional groups to sell food on school premises, 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 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 an unspecified sum 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.

Ch. 332 (SB 10) Robbins Animal shelters.

(1) Existing law regulates the taking, impounding, and killing of dogs and cats at public pounds and shelters.

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

This bill would require public pounds and shelters, as specified, that contract with animal control agencies, to provide specified information to the owners of lost animals and to those who find lost animals, thereby imposing a state-mandated local program.

The bill would state that this requirement does not create a cause of action pursuant to the laws relating to government tort liability or against any person.

(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. 333 (SB 92) Marks. Oil spill response: report.

Under existing law, the state agencies designated to implement the oil spill contingency plan are required to make a report of specified content, including specified factors relating to vessels transporting petroleum, petroleum products, or hazardous materials in bulk, to the Legislature on various aspects of oil spill response and cleanup on or before March 31, 1987. Fifty percent of the cost of the report is required to be paid by owners and operators of, among other equipment and facilities, vessels transporting those bulk commodities.

This bill would, instead, make those provisions apply to vessels transporting petroleum, petroleum products, or hazardous materials as cargo.

This bill also would, instead, make that report due on or before a date 18 months after entry of the contract for preparation of the report.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 334 (SB 927) Robbins. Telecommunications devices for the deaf or severely hearing-impaired

Under existing law, operative until July 1, 1987, telephone corporations are required to provide, without charge, a telecommunications device for the deaf or severely hearing-impaired to any subscriber which is an agency of state government and which the Public Utilities 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.

Existing law, operative until July 1, 1987, also requires the Joint Rules Committee to provide that in the State Capitol there be available for toll-free public access a telecommunications device for the deaf or severely hearing-impaired.

Existing law repeals these provisions on January 1, 1988

This bill would extend the operative date of these provisions to July 1, 1989, and the repeal date to January 1, 1990.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 335 (SB 1343) Alquist. Thermal powerplants certification

Under the State Energy Resources Conservation and Development Act, every person proposing to construct a thermal powerplant or electric transmission line on a site is required to submit to the State Energy Resources Conservation and Development Commission a notice of intention to file an application for certification of the site and related facility or facilities and, after approval of the notice, an application for certification. In the case of an incomplete application, the commission is required to specify the manner in which it can be made complete

This bill would require the commission to specify, in the case of a notice which is incomplete, the manner in which it can be made complete and to determine, within 30 days of receipt of additional data for the notice or application, whether that data makes the notice or application complete The bill would specify that the notice or application is deemed filed on the date it is determined to be complete if the commission has adopted regulations specifying the informational requirements for a complete notice or application, but if the commission has not adopted regulations, the notice or application is deemed filed on the last date additional data is received.

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

Ch. 336 (SB 1537) Keene. Disability insurance.

Under existing law, group disability policies may provide that the benefits payable thereunder are subject to reduction of benefits if the insureds have other coverage, other than individual policies or contracts Under existing law, the term "individual policies or contracts" does not include selected group disability policies or contracts.

This bill would exempt noncancelable or guaranteed renewable policies which solely provide hospital confinement indemnity or specified disease coverage from those policies and contracts which are excluded from that term.

Ch 337 (SB 1581) Maddy Water and sewer charges.

Existing law permits a county to fix a water or sewer standby or immediate availability charge on all land within a county service area to which water or sewers are made available not to exceed $30 per year per acre or each parcel less than one acre.

This bill would make an exception to this provision by permitting San Luis Obispo County to fix a sewer standby or immediate availability charge not to exceed $60 per year per acre or parcel less than one acre

Existing law permits a community services district to fix a water standby or availability charge not to exceed $10 per year per acre or parcel of land less than one acre.

This bill would authorize the Cambria Community Services District to levy a water standby or availability charge not to exceed $45 per year per acre or parcel of land less than one acre.

This bill would make findings and declarations concerning the need for a special law applicable to San Luis Obispo County and the Cambria Community Services District

Ch 338 (AB 1636) Sher Fire protection· appropriation [5]

(1) The bill would appropriate $4,543,000 from the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties to the Department of Forestry and Fire Protection, with $843,000 for support of fire prevention and suppression services, as specified, in the 1987–88 fiscal year, and $3,700,000 for contract services and temporary personnel for fire detection and response during the 1987 fire season.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 339 (SB 574) Garamendi. Income taxes bank and corporation taxes real estate mortgage investment conduit

Under the federal Tax Reform Act of 1986 (Public Law 99-514), for tax years beginning after December 31, 1986, a special set of tax rules has been enacted for a new type of entity called a real estate mortgage investment conduit (REMIC). A REMIC generally is an entity that holds a fixed pool of mortgages and issues multiple classes of interests in itself to investors A REMIC generally is not taxed on its income, but its income is taxable to the holders of its interests The new federal law also requires a REMIC to pay a 100% tax on its net income from prohibited transactions The California Personal Income Tax Law and the Bank and Corporation Tax Law contain no comparable rules.

This bill would provide that for purposes of the Personal Income Tax Law and the Bank and Corporation Tax Law the taxation of a REMIC and the holders of regular or residual interests in that entity shall be determined in accordance with the new federal laws enacted by the federal Tax Reform Act of 1986 (Public Law 99-514). It would provide that the federal law imposing the 100% tax on prohibited transactions shall not be applicable for state income tax purposes

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 340 (SB 373) Davis Fire protection: state responsibility areas

(1) Under existing law, the State Board of Forestry is required to classify state responsibility areas in which the state has the financial responsibility for preventing and suppressing fires Lands within the exterior boundaries of any city may not be included in a state responsibility area A county is authorized to assume responsibility for prevention and suppression of fires on all lands within the county, including lands in state responsibility areas, but not including lands within a city

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

This bill would require a county with a population greater than 8,000,000, when the incorporation of a city removes land from a state responsibility area, to contract with the city for providing fire services for the removed land for a 3-year period as specified, thereby imposing a state-mandated local program. The bill would specify that it does not change any power, duty, or responsibility of the Department of Forestry and Fire Protection.

(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. 341 (AB 191) Bradley. Energy resources conservation· building design

Under the Warren-Alquist State Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission is required to prescribe building design and construction standards which increase efficiency in the use of energy for new residential and nonresidential buildings and to prescribe energy conservation design standards for new residential and nonresidential buildings In order to implement these requirements, the commission is required to, among other things, develop a public domain computer program to estimate the energy consumption of residential and nonresidential buildings.

This bill would, in further implementing these requirements, require the commission to conduct a pilot project of field testing of actual residential buildings to calibrate and identify potential needed changes in the modeling assumptions to increase the accuracy of this computer program and to evaluate the impacts of the standards on energy savings, cost effectiveness, and indoor air quality The bill would specify how the pilot project is to be conducted, and with whom the commission is to consult in this regard

The bill would require the commission to prepare and submit to the Legislature a progress report not later than December 31, 1988, and a final report not later than June 30, 1990, on the results of the pilot project

The bill would appropriate $250,000 from the Energy Resources Programs Account in the General Fund to the commission for purposes of the bill

Ch 342 (AB 207) D Brown Alcoholic beverages.

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 20,000 gallons or less of wine a year to sell wine for consumption in a bona fide eating place which is located in Orange County, is located off the premises of the winegrower, and is owned by, and operated by or for, the licensee.

The bill would also provide that a licensed winegrower who produces 20,000 gallons or less of wine per year in a county of the tenth class may serve as a member of a pension plan of a corporation if the pension plan holds no more than a 10% interest in a licensed on-sale general bona fide public eating place in a county of the fifth class.

Ch. 343 (AB 382) Leonard. School attendance.

Existing law authorizes a county school attendance board to be established in each county, as specified, to meet the special needs of pupils with school attendance problems or school behavior problems In any county in which there is no county school attendance review board, a school district governing board may elect to establish a local school attendance board with the same authority as a county school attendance review board. Existing law requires county school attendance review boards and local school attendance review boards to include, among others, parents and representatives of school districts, the county probation departments, the county welfare department, the county superintendents of schools, and child welfare and attendance personnel.

This bill would require the Superintendent of Public Instruction, pursuant to a pre-

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

scribed procedure, to coordinate and administer a state school attendance review board, to be composed of voluntary participants from various groups at the state and local level, and chaired by a representative of the State Department of Education. Board members would serve without compensation or reimbursement of travel and living expenses. The State Department of Education would be required to provide assistance, as requested by the Superintendent of Public Instruction, in order to implement the provisions enacted by the bill

The bill would require that the superintendent convene the state school attendance review board at least 4 times each year. The board would be required to make recommendations annually to the superintendent, and state agencies as deemed appropriate, regarding the needs and services provided to high-risk youth, including youth with school attendance or behavioral problems, and to propose uniform guidelines or other means to attain goals stated in the bill concerning school attendance

Ch 344 (AB 393) Connelly. Burglary. occupancy.

Under existing law, burglary of an inhabited dwelling house, trailer coach, or inhabited portion of a building is burglary of the 1st degree For that purpose, "inhabited" means currently being used for dwelling purposes, whether occupied or not.

This bill would specify that a house, trailer, or portion of a building is currently being used for dwelling purposes if, at the time of the burglary, it was not occupied solely because a natural or other disaster caused the occupants to leave the premises. The bill would also define "vessel" and "aircraft" in provisions concerning burglary.

The bill would state that it is declaratory of existing law.

Ch 345 (AB 405) Tucker State Fire Marshal medical aid and hazardous materials incidents.

Existing law requires the State Fire Marshal to gather statistical information on all fires occurring within the state and requires the chief fire official of each fire department operated by the state, a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection to furnish information and data to the State Fire Marshal relating to each fire occurring within his or her area of jurisdiction The State Fire Marshal is required to annually analyze the information and data relating to fires reported, compile a report, and disseminate copies of the report, as prescribed.

This bill would, in addition, require the State Fire Marshal to gather information on all medical aid incidents and hazardous materials incidents and would require the chief fire official of each fire department operated by the state, and authorize the chief fire official of each fire department of a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection, to also furnish information and data to the State Fire Marshal relating to each medical aid incident and hazardous materials incident which occurs within his or her area of jurisdiction. The bill would also require the State Fire Marshal to annually analyze, in addition to the information and data relating to fires reported, information and data relating to medical aid incidents and hazardous materials incidents reported, to compile a report, and disseminate copies of the report, as prescribed.

The bill would appropriate $100,000 to the State Fire Marshal for its purposes.

Ch. 346 (AB 553) Moore Retired members of PERS· retirement allowances—postretirement revisions

The existing Public Employees' Retirement Law authorizes a retired member, under specified conditions and subject to specified time limitations, to elect to make postretirement actuarial revisions in his or her retirement allowance and related beneficiary designation revisions

This bill would require that an election made pursuant to these provisions becomes effective on the date specified on the election, provided that this date is not earlier than the day following receipt of the election in the system. The bill would also revise the time limitations for filing an election upon the occurrence of a qualifying event.

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

Ch. 347 (AB 597) Stirling. Bird preservation.

Existing law (Chapter 1434 of the Statutes of 1985) appropriated $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.

This bill would make legislative findings with respect to the Least Bell's Vireo and would require any funds appropriated in the Budget Act of 1987 from the State Highway Account in the State Transportation Fund for habitat protection for the Least Bell's Vireo to, instead, be allocated to the San Diego Association of Governments to develop for the species a comprehensive management plan, as specified, an environmental impact statement, a Santa Ana River habitat conservation plan, and the completion of other specified habitat conservation plans, thereby making an appropriation. The bill would require all habitat conservation plans to include a highway element

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 348 (AB 753) Moore. Elective city officers: rotation of names on ballot.

Existing law authorizes a city council, by resolution, to provide for the rotation on the ballot of names of candidates for any elective city office, pursuant to specified procedures. It prohibits the rotation of names unless the resolution is adopted at a regular meeting of the council under stated circumstances

This bill would provide that a city council resolution which provides for rotation of candidates' names for any election which is consolidated with any county or state election shall also provide for the payment of all, and specified, related administrative costs associated with development of the ballot on which those names appear.

Ch. 349 (AB 815) Areias. Vehicles· parking.

(1) Existing law authorizes local authorities to prohibit or restrict street and highway parking during specified hours in residential districts

This bill would authorize local authorities to define the term "residential district" in accordance with local zoning ordinances, thereby imposing 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. 350 (AB 820) Areias. Claims: Department of Transportation.

Existing law authorizes the State Board of Control to authorize any state agency to adjust and pay claims not in excess of $1,000

This bill would authorize the Department of Transportation to adjust and pay claims arising out of its activities which are not in excess of $1,000 without the prior approval of the State Board of Control if a sufficient appropriation for the claim exists.

Ch. 351 (AB 970) Frizzelle. State officers and employees. definition

Existing law requires the Director of Personnel Administration to adopt rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to officers and employees of the state while traveling on official state business, and providing for reasonable reimbursement for expenses incurred to repair a privately owned vehicle damaged through no fault of the state officer or employee if the damage occurred while the vehicle was used on authorized official state business.

This bill would make those provisions also applicable to experts and agents of the state.

Ch. 352 (AB 1044) O'Connell California Highway Patrol: licenses.

Under existing law, the fee for a new vehicle license issued by the Department of the California Highway Patrol is $10 and the fee for a renewal license is $5, except for ambulance licenses and hazardous materials licenses.

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

The fee for ambulance licenses is $200 for a new license and $150 for a renewal license, and the fee for hazardous materials licenses is $100 for a new license and $75 for a renewal license. The special fees for ambulance and hazardous materials licenses will expire on January 1, 1988.

This bill would delete the expiration date for these special fees.

Ch 353 (AB 1049) Bader. Abuse· records.

Existing law generally provides for the confidentiality of juvenile court records and records relating to the administration of public social services.

This bill would authorize members of multidisciplinary personnel teams, as defined, engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons, to share information and writings with one another that may also be a part of specified records if the member of the team having knowledge of that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse or the abuse of elder or dependent persons.

Ch. 354 (AB 1069) La Follette. Youth.

Existing law provides that the written order of the Director of the Department of the Youth Authority is a sufficient warrant for a peace officer to return to the custody of the department, pending further proceedings before the Youthful Offender Parole Board, any person committed to the department who is on parole, or for a peace officer to return an escapee to the custody of the department

This bill would specify that the return also may be pending further proceedings before the Board of Prison Terms and would include persons in the custody of, as well as committed to, the department.

Existing law authorizes the transfer of persons under the age of 21 committed to the Department of Corrections to the Youth Authority for the purposes of housing and allowing participation in Youth Authority programs.

This bill would also provide that the Youth Authority shall have parole supervision of those persons.

The bill also would authorize the transfer of funds, as specified, from the Department of Corrections to the Department of the Youth Authority for the purposes of parole supervision, thus making an appropriation.

The bill would declare that is to take effect immediately as an urgency statute.

Ch. 355 (AB 1103) Hill. Game· antlerless deer.

Existing law requires the Department of Fish and Game to determine and recommend to the Fish and Game Commission whether antlerless deer hunts should be ordered, and provides for notice to affected counties, as specified, and for hearing and objection by those counties. In 1986, the meeting dates of the commission were changed, including changing the March meeting to February.

This bill would change the dates by which the department and affected counties are required to propose or object to antlerless deer hunting to correspond to the changed meeting date of the commission The bill would delete the authority of the department to refrain from notifying affected counties of proposed antlerless deer hunts under specified conditions.

The bill would make other technical changes.

Ch. 356 (AB 1171) Harris. Courts Alameda County

(1) Existing law provides for the number, compensation, and classification of municipal court personnel in Alameda County

This bill would revise the number, compensation, and classification of municipal court personnel in Alameda County, 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

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

reason

Ch 357 (AB 1180) Eaves. Common interest developments.

Existing law, the Davis-Stirling Common Interest Development Act, requires a declaration of the legal description of a common interest development to contain, among other things, any restrictions on the use or enjoyment of any portion of the common interest development.

This bill would provide, notwithstanding any provision in a declaration, that the owner of a separate interest is entitled to reasonable access to common areas for the purpose of maintaining internal and external telephone wiring made part of the exclusive use common areas of a separate interest, as specified

Ch. 358 (AB 1334) Wright. Probate· legal fees

Under existing law, attorneys are allowed to apply to the court in order to collect fees for rendering extraordinary services or legal services in certain matters involving probate, guardianship, and conservatorship.

This bill would provide that extraordinary services or legal services include those services rendered by any paralegal performing those services under the direction and supervision of an attorney.

This bill would also require the petition or application for compensation to set forth the hours spent and services performed by the paralegal

Ch. 359 (AB 1344) Polanco Vehicles impounding for evidence.

Existing law generally authorizes peace officers to seize and impound property, including vehicles, that are reasonably believed to be an instrumentality used in the commission of a crime. Existing statutory law also authorizes peace officers to remove vehicles from public and private property under specified circumstances to the nearest garage or other place of safety or to a garage designated or maintained by the peace officer's employing governmental agency Existing law provides that the costs of storage is a lien on the vehicle so removed if specified notices are provided and specifies the disposition of a vehicle impounded under the statutory provisions

This bill would authorize a peace officer to remove a vehicle from the highway or from public or private property under those statutes creating liens on the vehicle, if the peace officer has probable cause to believe that the vehicle was used as a means of committing a public offense or that the vehicle is, or contains, evidence which tends to show a crime has been committed, as specified. The bill would provide that no lien would attach to the vehicle unless the vehicle was used with permission and would authorize the court to order payment from the perpetrator of the crime, if convicted, as specified.

The bill would declare findings of the Legislature, as specified.

Ch. 360 (AB 1454) Mojonnier. Adoption

Existing law provides for an interlocutory decree of adoption in the case of a child eligible for aid under the Adoption Assistance Program (a program for special needs children), upon the joint petition of a petitioner for adoption and the State Department of Social Services or a licensed adoption agency. An interlocutory decree may be rescinded upon motion of the petitioner, the department, or the agency, within 12 months of its entry, as specified.

This bill would eliminate the authorization for the entry of an interlocutory decree of adoption and make related changes.

Ch. 361 (AB 1472) Agnos. Auditor General.

(1) Under existing law, the Joint Legislative Audit Committee is required to establish priorities and assign work to be done by the Auditor General but is not required to direct the Auditor General to conduct an audit or investigation unless specifically mandated by statute which also appropriates sufficient funds to the committee for the audit or investigation

This bill would repeal those provisions.

(2) Under existing law, the Auditor General is required to complete audits or investi-

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

gations approved by the committee in a timely manner and in accordance with standards issued by the Comptroller General of the United States.

This bill would, in addition, require the Auditor General, upon completion of an audit, to transmit a copy of the report to each member of the committee.

(3) Under existing law, the Auditor General and his or her employees are legislative employees for specified purposes relating to state employees and agencies.

This bill would include among those purposes eligibility to apply for promotional civil service examinations after 2 or more years of consecutive employment with the Auditor General.

(4) Under existing law, the Auditor General is authorized to destroy papers or memoranda of no further use upon approval of the committee.

This bill would delete that authorization and prohibit the Auditor General from destroying papers or memoranda used to support a completed audit sooner than 3 years after the audit report is released to the public.

(5) Under existing law, it is a misdemeanor for the Auditor General or any current or former employee of the office to divulge information restricted by law.

This bill would specifically prohibit the divulgence, in a manner not expressly permitted by law, of the particulars of any information which is restricted from release to the public, to any person not employed by the Auditor General

(6) Under existing law, the Auditor General is permitted access to, and authority to examine any and all books, accounts, reports, vouchers, correspondence, files, and other records, bank accounts, and money or other property of any agency of the state. For those purposes, an authorized representative of the Auditor General is an employee of the agency or public entity being examined, subject to the employee's limitations on release of information

This bill would authorize the Auditor General to also reproduce records of the agency and would also deem a representative of the Auditor General as an officer of the agency for purposes of access to and release of information

(7) Under existing law, where a specific statute bars the access of the Auditor General or the Joint Legislative Audit Committee to any record, the Audit Committee, by majority vote, is authorized to allow the Auditor General and the Audit Committee that access.

This bill would also authorize the Audit Committee to allow examination and reproduction of those records

(8) Under existing law, every contract involving the expenditure of state funds in excess of $10,000 entered into by any state agency, board, commission, or department, or by a public entity which receives state funds, including a city, county, city and county, or district, is subject to examination by the Auditor General for a period of 3 years after final payment under the contract. Existing law also requires that these contracts contain a provision stating that the contracting parties shall be subject to that examination and audit

This bill would specify, instead, that those contracts involving the expenditure of public funds in excess of $10,000 are subject to examination by the Auditor General, and would delete the requirement that only public entities which receive state funds shall be subject to the Auditor General examination. The bill would also provide that the failure of a contract to contain a provision stating that the contracting parties shall be subject to examination and audit shall not preclude the Auditor General from conducting an examination and audit of the contract

(9) Under existing law, the Auditor General is required to count, at least annually, certain securities held in the State Treasury and issue a report on the Treasurer's statement of security accountability.

This bill would require the Auditor General to count or confirm those securities in the State Treasury or other depository and report on their accountability

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and

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

other procedures for claims whose statewide costs exceed $500,000.

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

(11) This bill would make other technical changes.

(12) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 362 (AB 1788) Harvey. Air pollution: districts: single-member hearings.

Under existing law, every air pollution control district and air quality management district is required to have one or more hearing boards for the conduct of district hearings pursuant to rules of conduct adopted by the board Existing law permits a district with a population of less than 500,000 to hold single-member hearings on applications for a variance or a series of variances, which are to be in effect for not more than 90 days, or for an application for modification of a progress schedule.

This bill would permit a district with a population of less than 750,000 to hold those single-member hearings.

Ch. 363 (AB 1858) N. Waters. Game fish prizes

(1) Under existing law, it is unlawful to offer a prize for the taking of any game birds, mammals, reptiles, amphibia, or fish in an individual contest, tournament, or derby where the total value of the prizes or inducements exceeds $200, except for trout, striped bass, black bass, carp, catfish, Tilapia, or Corvina pursuant to a permit from the Department of Fish and Game

This bill would, instead, prohibit the offering of any prize or other inducement as a reward for the taking of any of these animals in an individual contest, tournament, or derby where the total value of the prizes or inducements exceeds $200 generally The bill would create an exception to this prohibition when the department issues a permit authorizing a prize or inducement for the taking of any game fish which the department finds would not be a detriment to the resource

(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 provide new revenues to that fund, it would constitute an appropriation

Ch 364 (AB 2173) Polanco. Alcohol abuse

Under existing law, if a county chooses to apply for funds for the purposes of alleviating problems in the county relating to alcohol abuse, it is required to develop a county alcohol program plan, as specified.

This bill would require the county alcohol program plan to identify the special needs of American Indians and their descendants, as specified

Ch. 365 (AB 2182) Polanco Redevelopment agencies. bond repurchases.

Under existing law, a redevelopment agency may repurchase its bonds for cancellation at a price not exceeding the principal amount of the bonds plus accrued interest and any redemption premium

This bill would authorize a redevelopment agency to repurchase its bonds at a higher price if a majority of its members adopt a resolution determining the purchase to be financially advantageous to the agency, as specified, and the purchase is approved by the legislative body of the city or county (in communities in which the legislative body has not declared itself to be the agency), as specified The bill would require a redevelopment agency opting to purchase its bonds at a price authorized by the bill to transmit its resolution and a covering letter with prescribed information to the California Debt Advisory Commission.

Ch. 366 (AB 2475) Hauser Housing finance

Existing law authorizes counties and cities to conduct prescribed home financing

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

programs with the proceeds of revenue bonds. Existing law specifies income criteria for borrowers under these programs.

This bill would revise these income criteria with respect to home finance programs funded with amounts made available by the issuance of revenue bonds that satisfy specified provisions of federal tax law.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 367 (AB 2645) Polanco. Peace officers.

Existing law designates certain persons as peace officers whose authority extends to any place in the state. Existing law includes any member of the California State Police Division in this designation, provided that the primary duty of the peace officer shall be the protection of state properties and the occupants thereof.

This bill would provide that the primary duty of members of the California State Police Division shall be to provide police services for the protection of state officers and the protection of state properties and the occupants thereof, as set forth in specified provisions of law

Ch 368 (SB 159) L. Greene. Nuclear powerplants: engineering requirements

Under existing law, the performance of engineering work by, among others, a public utility is exempt from the registration and licensing requirements for engineers if the work is in connection with, or incidental to, the products, systems, or services of the utility or its affiliates.

This bill would apply those registration and licensing requirements to persons who approve engineering work in connection with a nuclear powerplant, as specified

Ch. 369 (SB 169) Rosenthal Public utilities wharfinger.

Under existing law, public utilities, including wharfingers, are subject to the jurisdiction and control of the Public Utilities Commission pursuant to the Public Utilities Act.

This bill would delete wharfingers as a category of public utility.

Ch. 370 (SB 320) Russell. State Personnel Board: hearing transcripts. disciplinary proceedings

(1) Under existing law, the State Personnel Board is authorized to hold hearings and conduct investigations on any matter relating to the enforcement and effect of the State Civil Service Act and rules prescribed thereunder.

This bill would authorize the board to establish a reasonable fee, not to exceed the prevailing rate, but in no event to exceed the actual cost for the preparation, production, and dissemination of a transcript of those hearings when a transcript is requested by an employee, department, or other actively interested person.

(2) Under existing law, any person, except for a current or former ward or inmate of the California Youth Authority or the Department of Corrections, is authorized, 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 causes for discipline. Upon exhaustion of administrative remedies, a current or former ward or inmate of the California Youth Authority or the Department of Corrections who is dissatisfied with actions on appeal, is authorized, with the consent of the board, to file those charges.

This bill would require that a request to the board to file those charges by other than a ward or inmate be made within one year of the event which led to the filing.

Ch. 371 (SB 537) McCorquodale. Vehicles weight limits.

Existing law provides that no ordinance adopted by a city to decrease vehicle weight limits shall apply to a public utility or a licensed contractor while necessary for use for specified public utility purposes.

The bill would make that restriction also applicable to county ordinances for residential districts.

Ch. 372 (SB 560) Rogers. Golden Empire Transit District.

(1) Existing law authorizes the Board of Directors of the Golden Empire Transit District in Kern County to provide retirement benefits for officers and employees of the

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

district by contracting pursuant to the County Employees Retirement Law of 1937 or the Public Employees' Retirement Law.

This bill would, in addition, allow the board of directors to adopt a qualified plan and tax-exempt trust pursuant to specified provisions of the Internal Revenue Code.

This bill would delete a requirement that membership in the retirement system be compulsory.

The bill would impose a state-mandated local program by requiring that the district and the labor organization representing the district's employees be equally represented in the administration of the district retirement system.

(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. 373 (SB 748) Royce. STRS: membership exclusions: minimum amounts

The State Teachers' Retirement Law (STRL) excludes persons employed in certain positions from membership in the State Teachers' Retirement System (STRS).

This bill would exclude persons in any of 4 additional specified positions

Under existing Government Code provisions relating to overpayments to, and collections by, the state, special provisions apply to overpayments of $10 or less and state agencies may be authorized to refrain from collecting if the amount is $50 or less. Under the STRL, the STRS, in the refunding of contributions, may dispense with the disbursement or collection of $10 or less.

This bill would repeal the STRL provision thereby making the STRS subject to the Government Code provisions

Ch. 374 (SB 983) Morgan. Public utilities: employee identification cards.

(1) Under existing law, the Public Utilities Commission supervises and regulates every public utility including electrical, gas, and telephone corporations

This bill would direct the commission to require every electrical, gas, and telephone corporation to issue employee identification cards with photographs and to require its employees to display the cards upon requesting entry into any building or structure on customer or subscriber premises. Under other provisions, a violation of these requirements by a corporation would be a crime, 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. 375 (SB 1036) Torres Criminalistic laboratories.

Existing law establishes diversion programs for the treatment of defendants accused of specified crimes involving narcotics or drug abuse. Existing law authorizes the imposition of a specified enrollment fee for a diversion program to cover the cost of any criminal laboratory analysis and the cost of processing a request or application for diversion pursuant to those provisions.

(1) This bill would require a specified portion of these fees to be used to cover administrative costs, with the remainder of these fees to be deposited in the criminalistics laboratories fund in the county treasury, to be expended in the same manner as criminal laboratory analysis fees collected from persons convicted of specified controlled substance violations. The portion of the enrollment fee to be used for administrative costs would vary depending upon whether the defendant is accused of a felony or a misdemeanor. The bill would define "criminalistics laboratory" for purposes of the bill. The bill would impose a state-mandated local program by requiring new duties under an existing program.

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

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

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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 376 (SB 1130) McCorquodale STRS: correction of errors and omissions.

The existing State Teachers' Retirement Law confers sole and exclusive power over administration and management of the State Teachers' Retirement System upon the Teachers' Retirement Board.

This bill would authorize the board to correct errors and omissions by the board, the system, employers, members, retirants, disabilitants, and beneficiaries.

Ch. 377 (SB 1252) Bergeson Low-level waste. advisory committee.

Existing law requires the State Director of Health Services to appoint an advisory committee to advise the State Department of Health Services regarding low-level waste management and disposal

This bill would require the director to appoint to the advisory committee the senior environmental health officer of the county where a low-level waste disposal facility is located

Ch 378 (SB 1317) Rosenthal Carriers fines· cease and desist orders

(1) Under existing law, the Public Utilities Commission regulates the operations of highway common carriers and cement carriers pursuant to the Public Utilities Act and the operations of household goods carriers pursuant to the Household Goods Carriers Act. Existing law permits the commission to impose fines on those carriers of not more than $5,000 for a first offense and not more than $10,000 for a second or succeeding offense for violations of those acts.

This bill would increase the maximum permissible fine for a second or succeeding offense to $20,000

(2) Under existing law, the commission regulates the operations of charter-party carriers of passengers under the Passenger Charter-Party Carriers' Act.

This bill would permit the commission to issue a cease and desist order to any person or corporation operating as a charter-party carrier without a valid certificate or permit authorizing those operations.

Ch 379 (SB 1452) Bergeson. Orange County Water District.

(1) Under existing law, the Orange County Water District is created by a special act of the Legislature within prescribed boundaries.

This bill would revise the boundaries of the district, thereby imposing a state-mandated local program The bill would also change the title of the secretary manager of the district to general manager and the title of the assistant secretary to secretary and 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.

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

Ch 380 (SB 1453) McCorquodale. State employees· employment discrimination.

Under existing law, the Public Employment Relations Board is required to make the initial determination as to whether charges of unfair employment practices are justified, and, if so, what remedy is necessary to effectuate a resolution. The board is required to promulgate procedures for investigating, hearing, and deciding those cases

Existing law requires the State Personnel Board to render a decision in regard to an

---

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

appeal by a state civil service employee within 6 months after the filing of the petition

This bill would require, as an alternative to the board rendering a decision within 6 months of the filing, that the board render its decision within 90 days from the time of submission, whichever period of time is less.

The bill would provide that submission occurs on the last day of the hearing if no other documents are to be filed, or on the last day designated for filing all documents

Ch. 381 (SB 1597) Montoya. Public Utilities Commission: fees.

Existing law directs the Public Utilities Commission to require specified highway carriers whose rates are unregulated to pay specified reduced fees until June 30, 1987, and authorizes the commission to increase the fees on other carriers whose rates are regulated under specified conditions. The fees are deposited in the Transportation Rate Fund and are continuously appropriated to the commission for specified regulatory purposes. Existing law also directs the commission to conduct a study of these reduced fees and determine whether these reduced fees should be made permanent.

This bill would continue collection of those reduced fees until July 1, 1988. The bill would also direct the commission to report to the Legislature by January 1, 1988, on this study regarding a permanent reduced fee for these carriers, together with its recommendations.

The bill would appropriate $90,000 from the Transportation Rate Fund to the commission for the continued implementation of the fee program during the 1987–88 fiscal year.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 382 (SB 1624) Ellis. Progressively disabling disorders.

Existing law permits freestanding skilled nursing facilities, as defined, to provide service in a secure environment for persons with progressively disabling diseases, as defined, in a distinct part of the facility.

This bill would repeal this provision.

Ch. 383 (AB 56) O'Connell. Schools pupil suspension or expulsion.

Existing law provides that no pupil may be suspended from school or recommended for expulsion unless the superintendent or principal determines that the pupil has engaged in certain specified conduct, including committing robbery or extortion.

This bill would expand the grounds for permissible suspension or expulsion to include attempting to commit robbery or extortion

Existing law requires a principal or the superintendent of schools to recommend to the governing board a pupil's expulsion if the pupil has unlawfully sold any specified controlled substances, unless the principal or superintendent finds and reports to the governing board that the expulsion is inappropriate. Excluded from the specified controlled substances is the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

This bill would revise this exclusion to except only a first offense for the sale of not more than one avoirdupois ounce of marijuana other than concentrated cannabis, and by 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 384 (AB 99) Johnson. Sales and use taxation: exemptions

The existing Sales and Use Tax Law exempts from taxation under that law orthopedic shoes and supportive devices for the foot which are an integral part of a leg brace or artificial leg.

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

This bill would also exempt orthopedic shoes and supportive devices for the foot which are custom-made biomechanical foot orthoses, as defined.

The existing Sales and Use Tax Law also exempts orthotic and prosthetic devices, and replacement parts for these devices, furnished pursuant to the written order of a physician.

This bill would extend this exemption to these devices when furnished pursuant to the written order of a podiatrist.

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 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 take effect immediately as a tax levy.

Ch. 385 (AB 429) Klehs. Index of voters: regional park and open-space districts.

Existing law requires the county clerk, until January 1, 1988, to compile an index, list, or file, by precinct, of all persons who voted in the previous statewide election, in conjunction with the purge of voter registration files required by specified provisions of law

This bill would impose a state-mandated local program by deleting the provisions repealing this statute on January 1, 1988, thereby requiring this compilation after each statewide election.

Existing law provides that regional park and open-space districts formed pursuant to specified provisions of law must request that the county clerk put the name of a candidate for the board of directors on the ballot even if the candidate is running unopposed.

This bill would authorize the board of directors to appoint the unopposed candidate under specified circumstances

This bill would impose a state-mandated local program by requiring the board of directors to make appointments to the governing body of a regional park open-space district which is not subject to the Uniform District Elections 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 386 (AB 622) Floyd. Employment of minors.

Existing law provides a system for the imposition of criminal and civil sanctions against violators of the laws and regulations of the state relating to the employment of minors.

This bill would increase the fines for certain misdemeanors, as specified.

Ch 387 (AB 690) Speier Crimes stun guns and tasers.

Existing law provides that every person who commits an assault upon the person of another with a stun gun or a taser is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding one year, or by a fine not exceeding $1,000, or by both the fine and imprisonment.

This bill would provide that an assault upon the person of another with a stun gun or a taser shall be punishable by imprisonment in a county jail for a term not exceeding one year, or by a fine not exceeding $1,000, or by both a fine of $5,000 and imprisonment in the state prison for 16 months, 2, or 3 years.

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

Existing law provides that every person who commits an assault upon a peace officer or firefighter with a stun gun or taser, who knows or reasonably should know that the peace officer or firefighter is engaged in the performance of his or her official duties, is punishable by imprisonment in the state prison, or in a county jail, for not more than one year.

This bill would provide that the above-described offense is punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding $1,000, or by both a fine of $5,000 and imprisonment in the state prison for 2, 3, or 4 years

Ch. 388 (AB 791) Kelley Desert Water Agency eminent domain.

Under existing law, the Desert Water Agency is authorized to exercise the right of eminent domain to take any property necessary to supply the agency with water.

This bill would authorize the agency to exercise the power of eminent domain to take any property necessary to the exercise of the powers granted to the agency.

Ch. 389 (AB 920) Johnson Employment agencies.

Existing law requires all accusations against licensees of the Employment Agency Act to be filed within one year after the performance of an act or omission alleged as the grounds for disciplinary action or, in the case of an accusation alleging fraud or misrepresentation, within one year after discovery of facts constituting the fraud or misrepresentation.

This bill would require those filings to be made within 3 years, rather than one year.

Ch. 390 (AB 926) Condit. Criminal trials and investigations.

Under existing law, and until January 1, 1988, counties with a population of 300,000 or less may receive reimbursement from the state, without regard to fiscal year, of 90% of the costs incurred by the county for each homicide trial or hearing. Reimbursements are made to a county for those costs incurred which exceed the amount of money derived by the county from a prescribed property tax.

Existing law also allows a county until January 1, 1988, with a population of 150,000 or less to obtain reimbursement under the above provision for the costs incurred in the conduct of only one homicide trial or hearing which is continued from a prior fiscal year without limiting the amount of that reimbursement to those costs which exceed the amount of money derived by the county from the prescribed property tax.

In addition, existing law provides, until January 1, 1988, that the amount of reimbursement that a county with a population of 150,000 or less may receive from the state for the cost of 2 or more homicide trials or hearings within a fiscal year is 90% of those costs, in excess of the specified property tax derived, for the first trial, and 85% of the costs incurred for subsequent trials or hearings.

This bill would extend the operation of these provisions from January 1, 1988, to January 1, 1989.

Ch 391 (AB 1002) Wright. Restraining orders.

Existing law authorizes the issuance of certain restraining orders for the prevention of domestic violence either pursuant to special procedures for issuance of these orders or in connection with a judgment entered pursuant to the Family Law Act. These orders generally expire after one year, except where extended, as specified.

This bill would provide that these orders may have an initial duration of up to 3 years, as specified

Ch. 392 (AB 1039) Peace. Irrigation districts· directors compensation.

Under existing law, directors of any irrigation district containing 500,000 acres or more may receive a salary not to exceed $600 per month.

This bill would increase that amount to $1,000 per month

Ch. 393 (AB 1155) Johnston. Special education.

(1) Existing law contains various provisions relating to the education of individuals with exceptional needs.

This bill would correct erroneous cross-references in some of those provisions.

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

(2) Under existing law, a special education local plan area is eligible for state funding of instructional personnel service units operated and fundable for services to individuals with exceptional needs younger than 3 years of age at the second principal apportionment of the prior fiscal year, so long as the unduplicated pupil count divided by the number of instructional personnel service units is not less than specified amounts. For designated instruction and services, that amount is 12.

This bill would provide that a special education local plan area is eligible for state funding if the duplicated pupil count of those pupils divided by the number of instructional personnel service units for designated instruction and services is not less than 39.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 394 (AB 1330) Eastin. Crimes: limitation on total subordinate terms.

(1) Existing law specifies that the total of the subordinate terms for consecutive offenses which are all residential burglaries may exceed 5 years but shall not exceed 10 years. For those purposes, "residential burglary" is defined as burglary in the nighttime or a felony burglary in the daytime of an inhabited dwelling house or trailer coach, as specified, or the inhabited portion of any other building. Other provisions of law do not define "burglary" as burglary in the nighttime or a felony burglary in the daytime, as specified.

This bill would conform that definition to those other provisions of existing law so as to define "residential burglary" as burglary of an inhabited dwelling house or trailer coach, as specified, or the inhabited portion of any other building.

(2) Existing law provides that the aggregate term of imprisonment that may be imposed when a person is convicted of 2 or more felonies shall be the sum of the principal term, the subordinate term, and any additional term imposed pursuant to specified provisions of law. If the offenses are not "violent felonies," the total of subordinate terms for consecutive offenses may not exceed 5 years. Except as otherwise provided, the term of imprisonment shall not exceed twice the number of years imposed by the trial court as the base term pursuant to specified provisions of law.

This bill would provide that, notwithstanding the provisions of existing law relating to the total of subordinate terms for consecutive offenses that are not "violent felonies," the total subordinate terms for consecutive sentences that are all residential robberies may exceed 5 years, but would limit the term so that it does not exceed 10 years.

This bill would provide that the term of imprisonment may exceed twice the number of years imposed by the trial court as the base term if the defendant stands convicted of at least 2 residential robberies.

This bill would also define a residential robbery

Ch. 395 (AB 1401) Duplissea. Employment agencies: employment counseling service.

For purposes of regulation pursuant to the Employment Agency Act, existing law defines "employment counseling service" to include any business that procures or implies the procurement of employment or employment assistance.

This bill would delete that definition and instead provide that employment counseling service does not include specified functions of an employment agency. It would also make related changes.

Ch 396 (AB 1503) Bates. Pleasant Hill Recreation and Park District.

Under existing law, the Pleasant Hill Recreation and Park District has entered into an agreement with the Department of Parks and Recreation restricting the use of lands comprising Paso Nogal Park

This bill would authorize the district, notwithstanding the agreement, to convey a portion of Paso Nogal Park to the Contra Costa Water District subject to specified conditions.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 397 (AB 1748) Johnson Savings associations: real estate loans.

Under existing case law, notwithstanding contractual provisions to the contrary, the

---

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

beneficiary of a deed of trust has an interest in insurance proceeds on the subject real property only when the beneficiary's security is impaired, and the beneficiary's interest extends only to the extent of the impairment.

This bill would, with respect to savings associations and state or nationally chartered banks, as specified, provide that provisions of any deed of trust or mortgage on real property which authorize the beneficiary to accelerate the maturity date of the principal and interest on any loan secured thereby, as specified, are enforceable whether or not impairment of the security interest has resulted from the failure of the trustor or mortgagor to pay taxes, rent, assessments, insurance premiums or advances, as specified It would also enact similar provisions with respect to disbursement of the proceeds of any policy of fire, flood, or other hazard insurance, as specified.

The bill would also state legislative intent.

Ch 398 (AB 2447) Eastin. Used oil

Existing law authorizes traffic officers and peace officers to enforce hazardous waste standards and regulations regarding transportation

This bill would additionally authorize these persons to enforce hazardous waste laws regarding used oil.

Ch. 399 (SB 98) Craven. Mobilehome parks: tenant purchases· taxation.

Existing law, which will be repealed January 1, 1989, authorizes the Department of Housing and Community Development to make loans from the Mobilehome Park Purchase Fund for certain costs of converting mobilehome parks to resident ownership. Existing law requires the department to evaluate this program commencing no later than January 1, 1989, and to report to the Legislature by July 1, 1989, on the feasibility and desirability of a more comprehensive program.

This bill would, instead, require the department to, commencing January 1, 1988, undertake a report on the Mobilehome Park Purchase Fund, including specified information as a minimum, and to submit the report no later than January 1, 1989. The bill would also extend the date of repeal of all these provisions until January 1, 1990 Because the Mobilehome Park Purchase Fund is a continuously appropriated fund which would thereby be extended, this bill would make an appropriation.

Existing law makes various organizations exempt from taxes imposed under the Bank and Corporation Tax Law if they satisfy specified requirements.

This bill would make certain tenant organizations formed to acquire their mobilehome park exempt from these taxes if they satisfy the specified requirements.

Ch. 400 (SB 155) Rosenthal Telephone rates: inside wiring

(1) Under existing law, the Public Utilities Commission establishes rates for telephone service within this state. A recent order of the Federal Communications Commission, effective January 1, 1987, has deregulated the installation and maintenance of certain inside telephone wiring.

This bill would direct the commission to include consideration of revenues and expenses related to that wiring in establishing telephone rates. Under other provisions, a violation of the commission's rules and orders in this regard would be a crime, 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.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 401 (SB 191) Ellis. Fire and panic safety standards: exit signs.

(1) Existing law requires the State Fire Marshal to adopt building standards and other regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in buildings and structures used for specified occupancies. Existing law also requires the State Fire Marshal to adopt fire

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

safety rules under the State Housing Law.

This bill would, with respect to hotels, motels, apartment houses, and certain other occupancies, require the State Fire Marshal's building standards to incorporate requirements for placement of distinctive devices, signs, or other means to identify exits and which can be felt or seen near the floor These building standards would be applicable to these newly constructed occupancies for which a building permit is issued, or, if none, construction is commenced, on or after January 1, 1989 Since cities, counties, and certain other local enforcement agencies would be required to enforce these requirements, 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 402 (SB 363) Russell. Insurance: unearned premiums.

Existing law provides that whenever an insurer endorses, rejects, declines, cancels, or surrenders a policy of insurance, or cancels certain other policies of insurance, the unearned premium is required to be tendered to the insured or the person entitled thereto, or the insurer's agent for transmittal, as specified. Where the unearned premium is not assigned as security to a premium finance agency and is less than $25, tender of unearned premium includes applying the amount of unearned premium either to the renewal premium at the next renewal date or to other premiums due, provided written notice of either application is given to the insurer, as specified.

This bill would provide, with respect to the above provisions, that whenever the unearned premium is less than $5, tender shall be effective and written notice shall not be required provided the unearned premium is applied either to the renewal premium at the next renewal date or to other premiums due

Existing law provides that a notice of nonrenewal for certain commercial insurance policies is not required if, among other things, the insurer has made an offer to the insured, as specified, to renew the policy under changed terms or conditions or at a changed premium rate.

This bill would require that offer to be in writing The bill would also define "terms or conditions" as including a reduction in limits, elimination of coverages, or an increase in deductibles

Ch. 403 (SB 444) Bergeson. Redevelopment project areas

Existing provisions of the Community Redevelopment Law define "project area "

This bill would make technical, nonsubstantive changes in those provisions and provide that those changes are declaratory of existing law

Ch. 404 (SB 447) Ellis. Native American graves and artifacts

(1) Under existing law, every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor Existing law prohibits any person from obtaining or possessing any Native American artifacts or human remains taken from a Native American grave or cairn on or after January 1, 1984, except as otherwise provided by law

This bill would make it a felony punishable by imprisonment in the state prison for any person to knowingly or willfully obtain or possess any Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1988, except as otherwise provided by law

The bill would also make it a felony punishable by imprisonment in the state prison for any person to remove without authority of law any Native American artifacts or human remains with an intent to sell or dissect or with malice or wantonness.

The bill would thus impose a state-mandated local program by creating new felonies

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

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

procedures for making that reimbursement.

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

Ch. 405 (SB 484) Maddy. Hospital districts.

Existing law permits a hospital district to borrow money on certificates of indebtedness or other evidence of indebtedness in specified amounts and terms with interest not to exceed 8% per annum. Existing law also contains authority for a hospital district to incur obligations and indebtedness pursuant to an obsolete provision and permits a hospital district to issue negotiable promissory notes to acquire funds for any district purposes.

This bill would set the interest rate for certificates and other evidence of indebtedness at the rate for city, county, or district bonds under a specified provision of law which will be 10% per year commencing January 1, 1988.

This bill would delete the authority of a hospital district to incur obligations and indebtedness pursuant to the obsolete provision

Existing law authorizes a hospital district to issue negotiable promissory notes to acquire funds for any district purposes subject to specified conditions. Among these conditions are that the board of directors shall give public notice of a decision to issue the notes and enact an ordinance providing for the notes after a public hearing. The ordinance is subject to referendum.

This bill would instead require that the issuance of notes be by resolution adopted by a majority of the board rather than by ordinance, as specified.

Ch. 406 (SB 799) Watson. Community colleges: summer session: special students.

Existing law authorizes the president of any community college to admit to the summer session of the community college as a special student any student, with parental consent, who has satisfied specified criteria Existing law specifies that a special student shall receive credit for community college courses that he or she completes, in the same manner as a regularly enrolled community college student.

This bill would require these special students to receive credit for completed community college courses in a manner determined to be appropriate by the governing boards of the school district and the community college district.

Ch. 407 (SB 947) Mello. Santa Cruz Port District surfriding.

(1) Under existing law, it is a misdemeanor to unlawfully obstruct the navigation of any navigable waters. Also, under existing law, a port district may adopt ordinances regulating the operation of vessels in special use areas.

This bill would, within the Santa Cruz Port District only, make it a misdemeanor, with specified penalty, for any person to swim or surfride, or use any watercraft or device to surfride, on ocean waters within a harbor entrance area, as prescribed by the district by ordinance. 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. 408 (SB 1194) Robbins Notice to shareholders of vote results

Existing law requires a corporation to hold an annual meeting of shareholders for the election of directors and such other meetings as required or permitted by law.

This bill would require specified corporations, upon the written request of a shareholder, as defined, to inform the shareholder of the result of any particular vote taken at one of the above-mentioned meetings for a period of 60 days following the conclusion of the meeting.

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

Ch. 409 (SB 1353) Nielsen. Disposal wells: indemnity bond.

Under existing law, any person who drills, redrills, deepens, or alters a commercial waste water disposal well used to dispose of oilfield waste water is required to file a specified indemnity bond or make an in-lieu deposit with the State Oil and Gas Supervisor

This bill would instead require any person who engages in the operation of a Class II commercial waste water disposal well, as defined, to file a $50,000 indemnity bond with the supervisor for each well or to make the in-lieu deposit.

Ch. 410 (SB 1418) Russell. Thermal powerplants.

Existing provisions of the Warren-Alquist State Energy Resources Conservation and Development Act require the State Energy Resources Conservation and Development Commission to certify sites for thermal powerplants with a generating capacity of 50 megawatts or more in accordance with specified provisions and procedures

This bill would require the commission, in certifying any thermal powerplant other than a resource recovery facility, to include in its written decision specific conditions requiring monitoring for compliance with toxic air contaminant control measures of air pollution control districts and air quality management districts.

This bill would make additional changes in Section 25523 of the Public Resources Code, proposed by AB 545, to be operative only if this bill and AB 545 are both chaptered and become effective on January 1, 1988, and this bill is chaptered after AB 545.

Ch 411 (SB 1423) Vuich Department of Forestry and Fire Protection.

Under existing law, the Department of Forestry and Fire Protection has specified powers and duties relating to forest resources and to prevention and control of fires.

This bill would specify that the department is responsible for fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, for contract fire protection, specified emergency services, pest control, for forest and range protection and enhancement, and for enforcing forest and fire law as specified.

Ch. 412 (AB 638) Mojonnier Education: year-round schools

Existing law provides that, in order to receive any state apportionments, a school district shall maintain its schools for not less than 175 days during the fiscal year.

This bill would authorize any school district to operate a program of year-round scheduling approved by the Superintendent of Public Instruction in one or more schools of the district, 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 also provide that the program shall terminate on July 1, 1995.

Ch 413 (AB 861) Quackenbush Industrial marketing plan.

Existing law requires the Director of Commerce, in cooperation with an advisory committee, to prepare and update an industrial marketing plan containing specified elements relating to industrial expansion in California. The director is required to report annually on this industrial marketing program to the Governor and the Legislature. These requirements will terminate on July 1, 1988.

This bill would extend these requirements to July 1, 1993, and would require the director to also report on this program to the Secretary of the Business, Transportation and Housing Agency.

Ch 414 (AB 954) Chacon. County veteran service officers.

Existing law provides for county veteran service officers to assist veterans in presenting and pursuing claims for federal and state veterans' benefits.

This bill would, in any case where the county veteran service officer secures for a veteran federal benefits which replace benefits previously provided by the state, authorize the officer to document and inform the Department of Veterans Affairs of that fact.

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

Ch. 415 (AB 1031) Stirling. Corporal punishment or injury.

Existing law makes it a misdemeanor or felony to inflict injuries resulting in a traumatic condition upon a child, spouse, or a person of the opposite sex with whom one is cohabiting.

This bill would specify that the above-described crimes are also subject to a fine of up to $6,000, or by both the fine and imprisonment

The bill would also direct the court to require supervised counseling as a condition of probation in any case in which a person is convicted of the above-described crimes and is granted probation, except as specified.

Ch. 416 (AB 1102) Elder. State Teachers' Retirement System investment guidelines: actuarial investigations and valuations.

(1) Existing statutes, which would be repealed January 1, 1988, require the administering body of any public employee pension or retirement fund, as defined, to give first priority to investing not less than 25% of all funds becoming available in a fiscal year, as specified, for new investment, in specified California residential realty obligations or certificates of deposit issued by savings and loan associations that agree to extend credit on residential realty in California. Those statutes require substitution of alternative investments if compliance would conflict with specified fiduciary obligations or any standard for prudent investment, as specified. Those statutes authorize substitution of higher yielding investments for any fiscal year during which it is determined that compliance will result in lower overall earnings for the fund than obtainable from alternative investment opportunities In that event, those statutes require submission of a specified resolution to the Governor and to the Joint Legislative Audit Committee which would transmit the Auditor General's report to the Speaker of the Assembly and the Senate Rules Committee for transmittal to the affected policy committees

This bill would add to the State Teachers' Retirement Law (STRL) a similar provision which would apply only to the State Teachers' Retirement System and which would be repealed January 1, 1993

(2) The existing STRL requires a periodic actuarial investigation and valuation of the assets and liabilities of the system.

This bill would require the actuary to perform the actuarial valuation using actuarial assumptions which are, in the aggregate, reasonably related to the system's past experience and actuary's best estimate of the system's future experience and would require the actuary's report to identify and include specified matters Copies of the actuarial valuation would be required to be transmitted to the Governor and the Legislature.

Ch. 417 (AB 1311) Lancaster. Title insurance.

Existing law requires a title insurer to add to, and set aside, in its unearned premium reserve an amount equal to 2% of total charges for policies of title insurance, which shall be deemed and constitute unearned premiums due, or received from, all such policies or contracts

This bill would make that requirement applicable to policies issued and reinsured prior to January 1, 1988. Thereafter, the total amount required to be added to, and set aside, would increase to 2.5% of total charges.

The bill would also specify a formula for the release of those funds added to reserves under the new formula specified above. It would also require the Insurance Commissioner to consider the qualifications of an applicant to act as an underwritten title company, prior to licensure, as specified

Ch. 418 (AB 1326) Eastin Vehicles: light duty trucks· pricing information.

(1) Existing state law does not require pricing information to be attached to light duty trucks.

This bill would require a specified label with specified pricing information to be affixed to new light duty trucks as described, which are manufactured on or after September 1, 1988, and which are sold, offered for sale, or displayed by a dealer, as defined in existing law. A violation of the requirement would be a crime pursuant to existing provisions of law, thus imposing a state-mandated local program

---

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

(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 1631) Friedman Gas rates: solar electric generation station technology projects

Under existing law, the Public Utilities Commission establishes rates for the commodities and services furnished by public utilities, including gas

This bill would direct the commission to establish the rates for gas used in a solar electric generation station technology project, as defined, at not higher than the rates for gas used in an electric plant for the generation of electricity.

These provisions would be repealed as of January 1, 1993

Ch 420 (AB 1676) Johnston. Appraisals: real property.

For purposes of the Lancaster-Montoya Appraisal Act, existing law defines the term "certified appraisal report," as any communication, written or oral, of any analysis, opinion, or conclusion relating to the value of real property which is termed as a certified appraisal report or is in any way described as a communication of the results of a certified appraisal.

This bill would limit the above definitions to written communications. However, it also would provide that "certified appraisal report" also means an oral communication of an analysis, opinion, or conclusion relating to the value of real property which is orally identified as a certified appraisal report, provided a written confirmation of the oral communication, which writing specifies that the appraisal report is certified, is given by the appraiser within 5 business days following the oral communication or at the close of escrow, as specified

Ch 421 (AB 1752) Farr. State contracts. Superconducting Super Collider

Existing law requires all contracts entered into by a state agency for the hiring or purchase of equipment, supplies, materials, or elementary school textbooks, and services, whether or not the services involve the furnishing of equipment, materials, or supplies or are performed by an independent contractor to be awarded to the lowest responsible bidder Existing law also requires the Director of General Services and the directors of other state agencies which contract for the construction of public works, the purchase of supplies and equipment, or the delivery of services, to establish goals for the extent of participation of small businesses in their contracts This requirement applies to state service contracts only until July 1, 1988 Existing law further requires that contracts let by the Department of Corrections for specified work on a state prison facility have as a statewide participation goal 13% minority business and 3% women business enterprises, as those terms are defined.

Existing law establishes the California Collider Commission to act as agent for the state in presenting a site proposal for the Superconducting Super Collider to the federal Department of Energy.

This bill would, notwithstanding any other provision of law, require that all state contracts let pursuant to the Superconducting Super Collider project for construction, professional services, materials, supplies, equipment, alteration, repair, or improvement have statewide participation goals of not less than 15% for minority business enterprises and not less than 5% for women business enterprises. The bill would require the awarding department to consider the responsiveness of a bidder to those goals. It would require the awarding department to establish a method of monitoring adherence to those goals and to adopt rules and regulations to implement this provision

The bill would require the department awarding the contract to utilize existing resources to implement these provisions

Commencing July 1, 1988, and on January 1, 1989, and on January 1 of each year thereafter, the bill would require each awarding department to report to the Governor and the Legislature on the level of minority and women business enterprise participa-

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

tion and, if the goals are not being met, the reasons therefor.

The bill would enact separate but similar provisions applicable to state contracts for professional bond services entered into pursuant to the Superconducting Super Collider project

The bill would declare that it would not become operative unless SB 566 is enacted.

Ch. 422 (AB 1774) Lewis. Consumer affairs contractors and electronic and appliance repair dealers.

Existing law provides, with specified exceptions, for the licensure and regulation of contractors.

This bill would provide that the licensing provisions do not apply to any person registered under the provisions regulating electronic and appliance repair dealers if that person's activities consist only of installing satellite antenna systems on residential structures or property. The bill would make conforming changes.

Existing law provides, with specified exceptions, for the licensure and regulation of persons who engage in the practice of an electronic or appliance repair dealer.

This bill would provide that these provisions do not apply to licensed electrical contractors or low-voltage communications master contractors acting within the scope of their license

Ch. 423 (AB 2441) Quackenbush Crimes

Existing law provides that every person who annoys or molests any child under the age of 18 is a vagrant and is punishable by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding one year or in certain cases by imprisonment in state prison, as specified, or by both such fine and imprisonment

This bill would provide that in any case in which a person is convicted of violating the above provision and probation is granted, the court shall require counseling as a condition to the probation, unless the court makes a written statement in the court record, that counseling would be inappropriate or ineffective

Ch. 424 (AB 2501) Killea. Controlled substances methamphetamine.

Existing law provides that it is a felony, punishable by imprisonment in the state prison for 16 months or 2 or 3 years, for any person to possess both methylamine and phenylacetone at the same time with intent to manufacture methamphetamine and provides that it is a felony for any person to possess certain combinations with intent to manufacture phencyclidine However, existing law exempts from those prohibitions manufacturers licensed by the state or persons authorized by the Board of Pharmacy to possess the substances.

This bill would increase the term of imprisonment for that offense to 3, 4, or 5 years in the state prison, and would, in addition, provide that it is a felony, punishable by imprisonment in the state prison for 3, 4, or 5 years, for any person to possess at the same time specified combinations of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, plus hydriotic acid, thionyl chloride and hydrogen gas, phosphorus pentachloride and hydrogen gas, or any other reduction agent, as defined with the intent to manufacture methamphetamine or specified analogs, and thus this bill would impose a state-mandated local program by creating a new crime

The bill would make conforming 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 425 (SB 55) Presley. Air pollution emissions. motor vehicle inspections

(1) Existing law requires the Department of Consumer Affairs to implement a motor vehicle inspection program to achieve compliance with motor vehicle pollution control requirements at the request of an air pollution control district or air quality management district located wholly or partly within a federally designated nonattainment area for the

---

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

primary federal ambient air quality standards for ozone or carbon monoxide, and permits the district to designate any portion of its area for participation in the program

This bill would additionally authorize a district which is not, or does not contain, a federally designated nonattainment area that desires to utilize the program as an air pollution control strategy to request the department, upon specified findings, to implement the program in the area of the district specified by the district

(2) Existing law requires the department, in cooperation with the State Air Resources Board, to prescribe test procedures for inspecting motor vehicles for the inspection program The department is required to establish and update specifications and procedures for motor vehicle maintenance and tuneup procedures and for repair of motor vehicle pollution control devices and systems

This bill would require the department to research both test and repair procedures.

Ch 426 (SB 116) Dills California State Lottery· contracts.

Existing law authorizes the Director of the California State Lottery to purchase or lease such goods and services as are necessary to operate the lottery. Existing law requires the California State Lottery Commission to adopt and publish competitive bidding procedures for the award of any procurement or contract for the printing of lottery tickets or the acquisition of any electronic computer.

This bill would require the commission to adopt and publish competitive bidding procedures, meeting prescribed criteria, for the award of any other procurement or contract involving an expenditure of more than $100,000. It would require the director to determine whether goods and services subject to these competitive bidding procedures are available through existing contracts or price schedules of the Department of General Services.

The bill would also require the commission to prepare and submit to the Legislature by October 1 of each year a report detailing the Lottery's purchase of goods and services through the Department of General Services and listing the contracts awarded for more than $100,000, the name of the contractor, amount and term of the contract, and the basis upon which the contract was awarded.

The bill would also make technical, nonsubstantive changes

Ch 427 (SB 183) Mello Long-term health care facilities.

(1) Existing law contains specified grounds for the suspension by the State Board of Examiners of Nursing Home Administrators of a nursing home administrator's license.

This bill would prohibit any nursing home administrator whose license has been suspended from being employed as an administrator of a long-term health care facility, or engaging in the activities for which a license is issued by the board, during the period of suspension.

(2) Under the Long-Term Care, Health, Safety and Security Act of 1973, a long-term health care facility, as defined, is required to notify the State Department of Health Services of any changes in a facility's nursing home administrator or director of nursing services. The department is authorized to conduct an abbreviated inspection of the facility within 90 days of receipt of this notification.

This bill would require the department, if a change in a nursing home administrator occurs and the Board of Examiners of Nursing Home Administrators notifies the state department that the new administrator is on probation or has had his or her license suspended within the previous 3 years, to conduct an abbreviated survey of the facility employing the nursing home administrator, within 90 days of the notification by the facility.

Ch 428 (SB 369) Boatwright Courts municipal courts. Contra Costa County.

Existing law prescribes the number, compensation, and classification of municipal court personnel in Contra Costa County Existing law provides for the establishment of the position of temporary court commissioner, upon the adoption of a specified resolution by the board of supervisors, to serve the particular municipal court district in Contra Costa County specified in the resolution. Existing law also requires the clerk of every municipal court in Contra Costa County having a temporary court commissioner to

---

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

report complaints regarding the commissioner to the Judicial Council; and requires the Judicial Council to report to the Legislature on or before January 1, 1987, regarding the acceptance of temporary court commissioners. Existing law further provides that these provisions shall be repealed on January 1, 1988, unless extended by a later enacted statute

This bill would delete the repealer and reporting provisions and would add provisions prescribing the number and qualifications of the temporary commissioners. The bill would also impose duties on the presiding judge and the court to assure that the temporary commissioners maintain court-related knowledge and skills, as specified, thus imposing a state-mandated local program

Existing law, which is operative until January 1, 1988, authorizes the judges of the Napa Municipal Court to appoint one full-time or part-time commissioner to hold office at the pleasure of the judges, as specified.

This bill would delete the January 1, 1988, repeal date and would require the court to periodically review the performance of any part-time commissioner and to maintain an ongoing training program to maintain his or her skills, thereby imposing a state-mandated local program. This bill would require the part-time commissioner to have completed, prior to his or her appointment, an orientation program, as specified, and would require the part-time commissioner to serve on the bench an average of at least 3 days each month This bill would require the presiding judge to ensure that the part-time commissioner maintain current knowledge of the court's personnel and procedures.

Existing law provides that before any action or proceeding is tried or heard by a part-time court commissioner in the Napa Municipal Court, any party to, or any attorney appearing in, the action or proceeding shall be entitled to require by oral or written motion without notice, that the action or proceeding be reassigned or transferred, as specified.

This bill would specify that the above-described requirement shall be applicable where the part-time commissioner regularly serves on the bench less than 3 days each week.

The California Constitution requires 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 429 (SB 426) Beverly Vehicles driver's licenses. emergency vehicle warning lights

(1) Existing law authorizes the Director of Motor Vehicles to renew driver's licenses by mail for a 4-year period of those drivers meeting certain conditions for a specified 4-year period, including a demonstration program for those drivers meeting those certain conditions for a specified 2-year period, and requires the final report on the program to contain information regarding 2nd extensions.

This bill would provide that the demonstration program is no longer a demonstration project, permit the termination of renewal by mail by the director, rather than the Department of Motor Vehicles, on specified determinations by the department, and delete the requirement that the final report contain the 2nd extension information

(2) Under existing law, specified peace officers are authorized to display a specified blue warning light on their emergency vehicles.

This bill would authorize the members of a school district police department to also do so

Ch 430 (SB 506) Boatwright Courts Contra Costa County

(1) Existing law provides for the number, compensation, and classification of municipal court personnel in Contra Costa County.

This bill would revise the number, compensation, and classification of municipal court personnel in Contra Costa County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

---

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

(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. 431 (SB 561) Rogers California Pistachio Commission

Existing law requires the California Pistachio Commission, not later then September 1 of each year, to establish the assessment rate for the following 12 months

This bill would change that date to October 1 of each year and allow the commission to revise the assessment, as specified

Ch 432 (SB 566) McCorquodale. Superconducting Super Collider

(1) Existing law requires the California Collider Commission to represent the state before the federal Department of Energy and to take any action needed to support a proposal to build the Superconducting Super Collider in the state, including, but not limited to, developing and implementing plans for state participation in the Superconducting Super Collider (SSC) project and proposals for financing alternatives that are advantageous to the federal government.

This bill would state further legislative findings and declarations and would specifically require the commission to ascertain the availability of other governmental and private sector financial support for the project.

(2) Existing law designates the Treasurer as the sole agent for the offering and selling of state bonds and requires him or her, when selling the bonds on behalf of any state department or agency to schedule the sale in coordination with the program necessitating the sale of the bonds

This bill would authorize the Treasurer to issue revenue bonds on behalf of the state for the purpose of financing the construction of the Superconducting Super Collider in California

The bill would require the State Public Works Board to select and accept transfer of title to, and require a state agency, as defined, to transfer to the board, title to any state facility, as defined, at any site or sites so selected The state agency would be required to enter into a lease-purchase agreement, as defined, with the board for financing of the state facility Title to that facility would be transferred to the state agency in accordance with the terms of the lease which may be for any term not to exceed 40 years The Department of General Services would be required to approve all such transfers, leases, or other agreements

The bill would authorize the board to issue and sell revenue bonds in an aggregate amount not to exceed $560,000,000 secured by lease payments from the state agency. Proceeds of the bonds would be utilized to finance the costs, as defined, of the SSC project.

The bill would state the intent of the Legislature that the lease payments be made from tideland oil revenues and would appropriate from the General Fund, amounts necessary for lease payments to the state agency to be available for expenditure only upon the Director of Finance's certification to the Controller that those amounts are not available from the tidelands oil revenues

The bill would create the SSC Development Fund under the jurisdiction of the Department of General Services for deposit of moneys derived from the sale of the bonds and the lease-purchase financing of the state facility The Department of General Services would be authorized to expend those funds which would be continuously appropriated without regard to fiscal years for the purpose of paying the cost of the SSC project

The bill would appropriate an amount, not to exceed the amount of the unsold bonds, from the General Fund to the Director of Finance for deposit of any portion of that amount in a special account in the SSC Development Fund to be used for financing costs of the collider The bill would require that any amount of that money used by the Department of General Services be repaid by the department from the sale of bonds at an interest rate certified by the Treasurer

---

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

(3) This bill would require the board to acquire property for the SSC project proposal pursuant to the existing property acquisition law and transfer that property to the Department of General Services The bill would provide that "necessity" is established for purposes of acquiring the land if one or both of the state's designated sites are included on the Department of Energy's Best Qualified List. The bill would provide a formula for the determination by the department of the price to the paid for land so acquired.

The department would be authorized to convey title to that property to the federal government without cost The bill would require that if the SSC project is canceled, withdrawn, or the property is otherwise not needed, the grantor of any property acquired under this bill has the right of first refusal to repurchase the property.

The bill would appropriate $3,440,000 from the General Fund to the University of California for allocation by the Director of Finance, subject to specified reporting requirements of the Budget Act of 1987, for purposes of the land acquisition and specified duties of the California Collider Commission The bill would require that appropriation to be made by January 30, 1988

(4) This bill would, in addition, do all of the following:

(a) Prohibit the SSC from altering local land use zoning which protects prime agricultural land and preserves its economy and would prohibit local governments from changing zoning of agricultural lands to accommodate the SSC, except under specified circumstances

(b) Make provision for property subject to the Williamson Act.

(c) The bill would authorize persons required to sell their property to reinvest in comparable agricultural land within 2 years without being subject to state income taxes.

(d) During the construction of the SSC, provide state assistance to (1) property-based special districts to offset revenue loss as determined by the State Board of Equalization to be the result of removal of property from the tax rolls, and (2) local governments, as determined by the Department of General Services, for additional safety services as identified in, and the mitigation of the impact on the environment, as required by, the Environmental Impact Report The bill would require that amounts determined to be necessary to provide that state assistance during construction of the SSC be included in the annual Governor's Budget as submitted on or before January 10 of each year

(e) Require the Employment Development Department and other specified job training programs to cooperate to develop and provide, to the extent funds are available, appropriate training programs for local workers in jobs skills relating to the SSC project. Workers displaced by the SSC project, if eligible, would be targeted for training through those programs which would be funded in the annual Budget Act

(f) Give preference to local school districts impacted by the SSC project in the distribution of emergency school facilities, as necessary

(g) Encourage community colleges, the University of California, the California State University, and local school districts, to develop educational programs to enrich the students of the district adjacent to the SSC.

(5) This bill would enact the Super Collider Bond Act which, if adopted, would authorize for purposes of financing a specified Superconducting Super Collider program the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $560,000,000.

The bill would provide for submission of the bond act to the voters at the election to be held in June 1988, in accordance with specified law and if approved by the voters, the bill would require that the issuance of revenue bonds authorized by this bill be terminated within a reasonable time.

The bill would prohibit the proceeds of any bonds sold pursuant to the lease-purchase financing arrangement or general obligation bonds from being used for payment of electrical utility services to the SSC.

The bill would require any incremental increases in the University of California Regents Opportunity Fund used for overhead expenses which are the result of federal grants for the siting of the SSC to be placed in the SSC Development Fund or the Super Collider Fund, whichever is appropriate, for the purpose of paying the debt on bonds

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

issued pursuant to this bill.

The bill would provide that its provisions are severable if any other provision of the bill is held to be invalid.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 433 (SB 757) Rosenthal Public Utilities Commission

Existing law authorizes the Public Utilities Commission to regulate the operations of and fix rates for public utilities subject to its jurisdiction, including electrical, gas, and telephone corporations.

This bill would require the commission to submit a report to the Legislature, on or before June 1, 1988, containing specified information regarding the return on equity with respect to public utility operations, and rates of return on the value of property devoted to public utility operations, of electrical, gas, and telephone corporations with annual gross revenues exceeding $25,000,000 regulated by the commission

Ch 434 (SB 1247) Morgan Hazardous substances. removal and remedial actions.

Existing law requires the State Department of Health Services to make a reasonable effort to notify the persons identified as potentially responsible parties at least 30 days before initiating a removal or remedial action to a hazardous substance release. The department is required to annually publish a list of the hazardous substance release sites subject to the Carpenter-Presley-Tanner Hazardous Substance Account Act

This bill would require the department to notify the owner of the real property of the hazardous substance release site within 30 days after listing a site, and at least 30 days before initiating a removal or remedial action by sending notice by certified mail to the person to whom the real property is assessed at the address shown on the assessment roll

Ch 435 (SB 1253) Bergeson. Community colleges nonresident tuition.

Existing law authorizes community colleges to admit, and requires community colleges to charge a tuition fee to, nonresident students, as specified

This bill would authorize a community college to classify a nonresident student as a resident student for tuition purposes if the student has been hired by a public agency for the purpose of completing police academy training at a community college, and if the public agency provides written assurances that it intends to classify the student as a peace officer upon successful completion of the course.

Ch. 436 (SB 1294) Bergeson. County water authorities indebtedness.

Under existing law, a county water authority may incur specified debt by contract, payable over a period not to exceed 30 years, in lieu of issuing bonds approved by the voters under the Revenue Bond Law of 1941 for the purpose approved by the voters.

This bill would permit the authority to incur a second contract of indebtedness to fund construction of the project if the first contract is repaid in full because construction of the project was not commenced due to administrative, court, or other delays, resulting in failure to obtain necessary governmental permits

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 437 (SB 1396) Kopp. Trade names

Existing law contains various provisions relating to the registration and protection of trademarks

This bill would provide that the filing of a fictitious business name statement does not, of itself, authorize the use of a fictitious business name in violation of the rights of another established under specified provisions of law relating to trademarks and trade names. It also would require the fictitious business name statement which existing law requires to be filed with the county to contain a related statement

Ch 438 (SB 326) Davis Ventura County flood control.

(1) Under the Ventura County Flood Control Act, the Ventura County Flood Control District consists of all the territory within Ventura County and is governed by the Board of Supervisors of Ventura County

---

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

This bill would authorize the district to levy, in accordance with prescribed procedures and requirements, assessments based upon the benefit which each parcel of real property to be assessed will derive from the works and improvements to be constructed, maintained, operated, extended, or repaired. The bill would permit benefit to be determined on the basis of proportionate storm runoff from each parcel and would prescribe related matters.

The bill would authorize the district to sell bonds, to be paid from benefit assessments levied by the district within a zone or special zone, to finance needed flood control improvements for protection and benefit of a zone or special zone or to finance the local share of the cost of any flood control improvements or projects undertaken by the federal government or the state, or both. The bill would specify the procedures for the authorization of the bonds and related requirements

The bill would revise the terms and conditions applicable to the issuance and sale of bonds of the district

(2) Under existing law, the district is authorized to prescribe, revise, and collect fees and charges in any zone or special zone as a condition of development of land. Existing law limits the amount of those fees and charges to $1,600 for each acre or portion thereof to be developed, subject to adjustment as prescribed.

This bill would increase the limit to $2,400 per acre or portion thereof.

(3) The bill would delete obsolete provisions

Ch. 439 (AB 70) O'Connell Advertising consumer goods

Existing law requires a retail seller who sells any consumer good or service which is sold only in multiple units and which is advertised by price to advertise those goods or services at the price of the minimum multiple units in which they are offered, except that consumer goods (but not consumer services) may be advertised at a single unit price where the goods are sold only in multiple units as long as the advertisement also discloses the price of the minimum multiple unit in which they are offered.

This bill would make the above exception applicable to a retail seller who sells a consumer service as well as a retail seller who sells a consumer good.

Ch. 440 (SB 78) Presley Taxation: personal income taxes and bank and corporation taxes.

(1) Under existing law, the Population Research Unit is established within the Department of Finance to provide, among other data and information, population estimates in conjunction with disbursement of public funds

This bill would specify at 38,925 the population of any general law city located in a county of the 11th class, which had been given a previous population estimate of 38,925, as validated by the Department of Finance for purposes of the Controller and all state and county public agencies in the allocation and distribution of grant funds and subventions. The stated population would continue to apply until the date of certification of the 1990 Federal Census, and would be adjusted annually by the percentage of population growth of the State of California as a whole.

(2) Existing Personal Income Tax Law provides for a credit against personal income taxes in an amount not to exceed $91 for a percentage of the amount of worker contributions withheld by an employer from wages paid to the taxpayer as an employee during the 1979 calendar year and transferred into the State Disability Fund.

This bill would repeal this obsolete provision.

(3) Existing Personal Income Tax Law provides that the amount of the excess itemized deductions, determined exclusive of particular deductions, is an item of tax preference and subject to a minimum tax.

This bill would clarify the provisions for determining the amount of excess itemized deductions.

(4) The existing Personal Income Tax Law provides that gross income does not include income which this state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

This bill would delete those provisions

The federal Tax Reform Act of 1986 (Public Law 99-514) enacted special rules for

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

stripped bonds or coupons of tax-exempt obligations, which generally treat a purchaser of a tax-exempt bond or coupon as having acquired an original issue discount bond.

This bill would provide that if there is at any time following the original issuance of a tax-exempt bond a separation of ownership between the bond and any right to receive interest on the bond (whether or not evidenced by a coupon), payments or accruals on that stripped bond and stripped coupon shall be treated in a manner consistent with the special rules for stripped bonds or coupons enacted by the federal Tax Reform Act of 1986 (Public Law 99-514).

(5) Existing Bank and Corporation Tax Law establishes the rate of tax for banks or financial institutions which dissolve or withdraw prior to the date the rate applicable to those types of taxpayers is determined under specified provisions of that law It also provides for a refund of that part of the tax determined in accordance with that specified rate which is in excess of either 7.6% or, in the case of calendar or fiscal years, ending after June 30, 1973, 9%.

This bill would delete the references to these specific rates and would substitute therefor a reference to the rate determined in accordance with provisions applicable to corporations generally.

(6) Existing Bank and Corporation Tax Law provides that trusts which are exempt from tax are taxable upon their unrelated business taxable income at individual tax rates in the Personal Income Tax Law.

This bill would clarify this provision to make these trusts subject to the specific tax rates imposed by the Personal Income Tax Law which are applicable to trusts

(7) Existing Bank and Corporation Tax Law provides for the reestablishment of an exemption for an organization whose exemption was revoked if the organization, among other things, files a new application for exemption and pays a $10 filing fee

This bill would delete the reference to the specific amount of the fee to correspond to the increase of that fee in other later-enacted provisions

(8) Existing law requires the Controller to transfer the total amount designated, less the direct collection and administrative costs of the Franchise Tax Board, to the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

This bill would require the Controller to transfer the amount of costs of the Franchise Tax Board to the Franchise Tax Board

(9) Under the existing law concerning Senior Citizens Homeowners and Renters Tax Assistance Law, a taxpayer who, because of a medically certified incapacity, is prevented from filing a timely claim, is permitted to file a claim within 6 months after the end of the incapacity or 3 years after the end of the fiscal year for which assistance is claimed, whichever date is earlier.

This bill would remove the requirement that the medical incapacity be certified.

(10) Chapter 1490 of the Statutes of 1984, which among other things related to state tax enforcement and established various tax amnesty programs, provided that regulations adopted to implement that act shall be adopted as emergency regulations, shall not be subject to review and approval of the Office of Administrative Law, and shall become effective immediately

This bill would eliminate provisions making those regulations emergency regulations.

(11) This bill would take effect immediately as a tax levy

Ch 441 (SB 102) Bergeson Validations

This bill would enact the Second Validating Act of 1987, 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 declare that it is to take effect immediately as an urgency statute

Ch. 442 (SB 103) Bergeson. Validations

This bill would enact the Third Validating Act of 1987, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

Ch. 443 (SB 303) Robbins Insurance

Existing law authorizes group hospital service contracts and group disability insurance to be issued to specified employing entities and associations covering not less than 10 employees or association members.

This bill would reduce that number to not less than 3 employees or association members

Existing law defines selected group disability insurance, among other things, as a policy issued to not less than 10 members of any association, as specified.

This bill would reduce that number to not less than 3 members of any such association

This bill would define a selected group hospital service plan contract as a contract written under individual contracts to a member of a group that meets specified criteria in an amount based upon the selection of the insured, and would authorize a differential in rates from those charged to contracts issued on an individual basis.

Ch. 444 (SB 487) Ellis Vehicle dealers

(1) Existing law requires a dealer, as defined, of vehicles to post a copy of the dealer's license at the dealer's established place of business and other specified locations.

This bill would prohibit a dealer from selling a vehicle at retail at an unposted location. The bill would also prohibit a dealer who is authorized to only sell at wholesale from selling at retail and would require that dealer to report sales on the wholesale report of sale forms prescribed by the department Violations of these provisions would be crimes pursuant to existing provisions of 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 445 (SB 628) Kopp. Attorney General. appointment of a receiver.

(1) Under existing law, the Attorney General as head of the Department of Justice, generally, has charge of all legal matters in which the state is interested

This bill would, in actions brought by the Attorney General and upon his or her application, authorize the court to appoint a receiver under specified circumstances, in order to facilitate the maintenance, preservation, operation or recovery of property for restitutionary purposes, if that appointment is already authorized by law

To that end, the bill would authorize the receiver to sue for, collect, receive, and take into possession any property and the proceeds thereof derived by unlawful means, to take possession of books, records, and documents related to that property, to avoid any transfer of interest in the property calculated to obstruct justice, and to exercise any power authorized by statute or court order

The bill would authorize the court to order any expenses of the receivership to be paid from the property held by the receiver and would exempt, unless expressly provided for by written contract, the state, the Attorney General, and state departments and agencies from liability for any receivership expense, including fees

The bill would prohibit any action from being commenced against the receiver without prior court approval, but would relieve from liability any person who commences or maintains such an action without notice of the receivership

This bill would further provide that the recordation of a copy of the receivership order is constructive notice of the receivership in matters involving real property

The bill would also deem property obtained in connection with deceptive or misleading statements or conduct to have been obtained through constructive fraud

(2) Under existing law, specified documents may be recorded without acknowledgment, certificate of acknowledgment, or further proof The bill would extend this provision to include court orders which affect the title or possession of real property when the Attorney General brings an action and requests a court appointed receiver

This bill would also allow a court order affecting title to or possession of real property, issued under specified circumstances, to be recorded in certain county recorder indices.

(3) This bill would include a severability clause as to those provisions

---

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

Ch. 446 (SB 962) Bergeson. Funds of local agencies.

Existing law provides that the surplus funds of a local agency or funds in its custody may be invested in various specified securities. Among those securities are medium-term corporate notes of a maximum of 5 years maturity issued by corporations operating within the United States which are rated in the top 3 note rating categories by 2 of the 3 largest nationally recognized rating services. Purchases of medium-term corporate notes may not exceed 15% of the local agency's surplus money which may be invested in the authorized securities

This bill would add to the lists of those securities, notes, bonds, or other obligations which are at all times secured by a valid first priority interest in specified securities. The bill would specify that the securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank which is not affiliated with the issuer of the secured interest, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted. The bill would also revise the provisions concerning the medium-term corporate notes to permit investment in medium-term notes of a maximum of 5 years maturity issued by corporations organized and operating within the United States or by depository institutions operating within the United States which are rated "A" or better and would permit purchases of those notes not to exceed 30% of the local agency's surplus money for investment in authorized securities

Ch. 447 (SB 1181) Maddy. Pharmacy.

Existing law provides that a pharmacist may administer drugs and biologicals by injection pursuant to a prescriber's order.

This bill would authorize a pharmacist to perform skin puncture for the purpose of training patients to withdraw their blood in order to perform self-assessment tests to monitor medical conditions, as specified.

The bill would make technical, nonsubstantive changes in provisions authorizing a pharmacist to take a person's blood pressure.

Ch 448 (SB 1514) Nielsen Automobile Sales Finance Act.

Existing provisions of the Automobile Sales Finance Act require disclosure of the amount of unearned finance charge if it is determined on a precomputed basis.

This bill would specify that reference to the Rule of 78's, the sum of the digits, or the sum of the periodic time balances method, shall be deemed equivalent for disclosure purposes.

Existing provisions of the Automobile Sales Finance Act provide that, for a conditional sale contract for a motor vehicle, payments timely received under an extension or deferral agreement shall not be subject to a delinquency charge. Existing law provides that the contract may provide for reasonable collection costs and fees in the event of delinquency. However, existing law permits the imposition of an extension or deferral charge not in excess of specified amounts

This bill would specify that payments timely received under an extension or deferral agreement shall not be subject to a delinquency charge other than the authorized extension or deferral charge. The bill would authorize a $5 fee for the return of a dishonored check or similar instrument.

Existing law provides that no extension or deferral charge shall be made unless the agreement is in writing.

This bill would authorize the seller or holder to advise one or more delinquent obligors, in writing or orally, that the due date will be extended with no charge other than any late charge provided for by the contract.

Existing law requires 15 days' notice of intent to dispose of a repossessed or surrendered vehicle

This bill would provide that the requirement does not apply to a seizure by a public agency, as specified.

Existing law sets forth the method for curing events of default which were a grounds for repossession or occurred after repossession Among other things, it provides that if

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

the default is the result of the failure to maintain insurance and the seller or holder obtains insurance, the buyer shall reimburse the seller or holder for all reasonable costs and expenses

This bill would specify that those provisions cover the method rather than govern the method for curing the default. With respect to curing a default in instances where the seller or holder has obtained insurance, the bill would specify that the costs and expenses for which reimbursement is required include a finance charge in connection with premiums.

Ch. 449 (SB 1558) Rosenthal. Contracts dance studio lessons

Existing law regulates the terms and conditions of contracts for dance studio lessons

This bill would revise those provisions to provide that their applicability is limited to contracts for commercial dance studio lessons, as specified

Ch. 450 (SB 1587) Russell. Emergency plans nuclear powerplant accident

Existing law requires, beginning January 1, 1983, that the total annual reimbursement of state and local costs incurred in the preparation and updating of their emergency response plans from funds deposited in the Nuclear Planning Assessment Special Account by the utilities operating nuclear powerplants within the state is not to exceed the lesser of the actual costs or $300,000 annually for state costs to be prorated among utilities in proportion to the allocation of benefit to each plant and the lesser of the actual costs or $100,000 per reactor unit annually for local costs.

This bill would, instead, require that reimbursement for state costs not exceed the lesser of actual costs or $500,000 annually to be shared equally among utilities and would require that $200,000 of that amount be allocated for the support of an annual interagency agreement between the Office of Emergency Services and the State Department of Health Services for activities of the department under the bill

The bill would declare that it is to take effect immediately as an urgency statute

Ch 451 (AB 211) N. Waters Foster Grandparent Program

Existing law has established a Foster Grandparent Program which gives senior citizens the opportunity to provide meaningful services to children with special needs who are deprived of normal relationships with adults Existing law specifies a number of functions and goals for the program, including services to delinquent children and adolescents in correctional institutions

This bill would include in the program's functions and goals, the provision of services to children up to the age of 18 who have been charged with or convicted of an offense equivalent to a misdemeanor. It would provide that its provisions be known as the Foster Grandparent Delinquent Childrens' Advocacy Program.

Ch. 452 (AB 156) O'Connell Transit districts

(1) Existing law requires the Santa Barbara Metropolitan Transit District to let contracts exceeding $3,000 for the purchase of supplies, equipment, and materials to the lowest responsible bidder

This bill would raise that amount to $10,000, thereby requiring the district to let contracts exceeding $10,000 for those purchases to the lowest responsible bidder

(2) Existing law authorizes the district to pay each member of the governing board $30 for each meeting but not to exceed $90 in any month

This bill would instead authorize the district to pay $60 for each meeting but not to exceed $180 in any month

Ch 453 (AB 561) Frizzelle. Air pollution nonvehicular. diesel pile-driving hammers.

(1) Existing state law prohibits discharge into the air of air contaminants of a specified shade or opacity Air pollution control districts and air quality management districts are authorized to establish additional, stricter standards

This bill would prohibit the State Air Resources Board or a district from establishing standards for emissions of visible smoke from diesel pile-driving hammers which are

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

more stringent than that designated as No 2 on the Ringelmann Chart The bill would prohibit a person from operating a diesel pile-driving hammer in a manner that exceeds these limits for an aggregate of more than 4 minutes during the driving of a single pile Since, under other provisions, a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

The bill would require the state board, on or before July 1, 1988, to prepare and submit a specified study on diesel pile-driving hammers to the Legislature

The provisions of the bill would be repealed on January 1, 1989

(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 454 (AB 569) Leslie Fines· enforcement

(1) Under existing law, if a criminal judgment is for a fine, the judgment may be enforced in the manner provided for the enforcement of money judgments. Existing law authorizes a judge in granting probation to impose a fine on the defendant.

This bill would provide that, except as specified, if a defendant is ordered to pay a fine as a condition of probation, the order to pay a fine may be enforced during the term of probation in the same manner as is provided for the enforcement of money judgments.

The bill would also provide that, except as specified, an order to pay a fine as a condition of probation may be enforced as follows· (a) with respect to a willful failure to pay during the term of probation, in the same manner as a violation of the terms and conditions of probation, and (b) if any balance remains unpaid at the end of the term of probation, in the same manner as a judgment in a civil action

(2) The bill would declare that it is to take effect immediately as an urgency statute

Ch 455 (AB 957) Duplissea Motor vehicles stops

(1) Existing law prescribes right-of-way rules at intersections under various conditions

This bill would specify the right-of-way rules for an intersection with inoperative traffic control signals

(2) Existing law regulates the standing or parking of motor vehicles on highways.

This bill would specifically include the stopping of motor vehicles within those regulations

Ch 456 (AB 1353) Bates Clinics licensure· psychology clinics.

Existing law provides for the licensure by the State Department of Health Services of psychology clinics, as defined. Existing law further provides that authorization for these clinics expires January 1, 1988

This bill would delete the expiration date, thereby making that authorization permanent

Ch 457 (AB 1828) McClintock. Unemployment insurance

(1) Existing law contains detailed provisions as to what is included and excluded from wages for purposes of employer contributions for unemployment compensation insurance Existing law further provides that a third party who makes a payment included in the term "wages," as specified, shall be treated as an employer for purposes of the above provisions if certain conditions are met

This bill would revise the provision relating to third-party payers by clarifying the conditions required for a third party to be deemed an employer under these provisions.

(2) Existing law requires every employer to file an annual return with the Employment Development Department reporting the total of the yearly tax withheld pursuant to a specified statutory provision, at the time prescribed by the Director of Employment Development

Existing law also requires an employer who fails to file this annual report after notice

---

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

of the failure, to pay a fine of $250, and provides that both these provisions are repealed on January 1, 1988, unless a later enacted statute deletes or extends this date

This bill would delete the repeal date and would require an employer who fails to file the above report to pay $250 or 100 percent of the tax amount required to be reported, whichever is less

(3) Existing law provides employers with various methods of financing their liability for unemployment compensation benefits.

Existing law permits employers who are public entities or nonprofit organizations, which the Employment Development Department has assessed for unpaid employer contributions, to finance their liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits coverage by electing among specified alternatives if the employer meets specified conditions

This bill would, among other things, repeal this provision and would, instead, permit an unregistered organization to elect reimbursement financing as a method to finance their liability for unemployment compensation benefits, when the Director of Employment Development finds that the organization has good cause for failing to register as an employer.

(4) This bill would also make technical corrective changes.

(5) This bill would declare that it is to take effect immediately as an urgency statute

Ch 458 (AB 1925) Bader Insurance peace officers.

Existing law prohibits any insurer, in issuing or renewing a private automobile insurance policy, as defined, to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, from increasing the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined, in response to his or her duties during the hours of employment, provides that no peace officer, member of the California Highway Patrol, or firefighter is required to report any accident in which he or she is involved while operating an authorized emergency vehicle in performance of his or her duty during the hours of employment to any person who issued to that peace officer, member of the California Highway Patrol, or firefighter a private automobile insurance policy, and requires any peace officer who has been involved in an accident to submit to his or her private automobile insurer a written declaration, as prescribed, stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as defined, in performance of his or her duty during the hours of his or her employment or, in lieu of this written declaration, to submit to the private automobile insurer a copy of the incident report filed by the peace officer with his or her employer

For purposes of the above provisions, this bill would revise the definition of peace officer, to expand the categories of peace officers covered by the above provisions, as specified.

Ch. 459 (AB 1985) Elder. Political Reform Act: lobbying firm: lobbyist employer: registration.

Under the Political Reform Act of 1974, a lobbying firm and a lobbyist employer are required to file periodic reports containing specified information including information sufficient to identify the nature and interests of the filer.

This bill would, instead, require information concerning the nature and interests of the lobbying firm and lobbyist employer to be contained in their registration statement.

Ch 460 (AB 2149) Jones. Wages, hours, and working conditions. health care industry.

Existing law provides that if a labor organization or a trade association recognized in the health care industry files a petition with the Industrial Welfare Commission which requests an amendment to an order of the commission that would directly regulate only the health care industry, the commission shall propose the adoption or rejection of the petition in whole or in part without appointing a wage board and shall publish and conduct hearings on its proposed action.

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

This bill would permit the commission to reject a petition without publishing and conducting a hearing on the action It would require the commission to state its reasons for rejection

Ch 461 (AB 2452) Bronzan. Criminal actions.

(1) Existing law requires, when a defendant who has not pleaded guilty is in custody, that the magistrate dismiss the complaint if the preliminary examination is set or continued beyond 10 court days from the time of arraignment or plea. This requirement is subject to 2 exceptions personal waiver by the defendant of his or her right to preliminary examination within 10 court days or establishment of good cause for a continuance beyond 10 court days by the prosecution

This bill would provide, for purposes of the provision allowing for a continuance upon a showing of good cause, that good cause for such a continuance includes, but is not limited to, those cases involving allegations that a violation of one or more specific statutes involving child sexual assault or child abuse has occurred and the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court Any continuance permitted under this paragraph would be limited to a maximum of 3 additional court days

(2) Existing law requires that all criminal actions in which a minor, among other persons, is detained as a material witness or is the victim of the alleged offenses, or in which any person is a victim of certain sex crimes, as specified, be given precedence over all other criminal actions in the order of trial.

The bill would additionally provide that in scheduling a trial date at an arraignment in superior court involving an alleged sexual assault offense, or an alleged child abuse offense, reasonable efforts shall be made to avoid setting that trial, as assigned to a particular prosecuting attorney, on the same day that another trial is set involving the same prosecuting attorney.

(3) Existing law provides 2 procedures for the continuance of a criminal action, (a) by a written notice filed and served on all parties at least 2 court days in advance, together with written documentation of the necessity therefor and timely notifications to the calendar clerk; and (b) by motion upon the showing of good cause for the continuance, provided that in the absence of a showing of good cause the court may either impose a fine of up to $1,000 or file a report with an appropriate disciplinary committee, or both

This bill would provide, for purposes of the above provision allowing for a continuance upon a showing of good cause, that "good cause" includes, but is not limited to, those cases involving allegations that a violation of one or more specific statutes involving child sexual assault or child abuse has occurred and the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress The bill would limit continuance in these specific cases to a maximum of 10 additional court days.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 462 (AB 2462) La Follette. Child Care Initiative Project.

Existing law provides for child care resource and referral programs.

This bill would establish a 3-year pilot project known as the California Child Care Initiative Project, the objective of which would be to increase the availability of quality child care programs in the state

This bill would require the Superintendent of Public Instruction to allocate all state funds appropriated for the California Child Care Initiative Project for the purpose of making grants to those child care resource and referral agencies that have been selected as pilot sites for the project. The bill would require that the grants to the pilot sites made available by the project be comprised of a combination of state funds and other funds, as specified.

The bill would require the Superintendent of Public Instruction to develop a data base for the project

The bill would require the California Child Care Resource and Referral Network, in consultation with the Office of the Legislative Analyst and the State Department of Education, to evaluate the project, as specified, and submit the evaluation to the appro-

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

priate policy and fiscal committees of the Legislature on or before March 1, 1990.

The bill would express the legislative intent that the project be funded through the annual Budget Act for the 1987–88, 1988–89, and 1989–90 fiscal years.

These provisions would become inoperative on June 30, 1990, and would be repealed January 1, 1991.

Ch 463 (SB 24) Montoya. Real estate licenses.

Existing law provides that provisions of law relating to continuing education requirements for real estate licenses are to be operative until January 1, 1989, on which date they are to be repealed.

This bill would delete that repealer date, thus continuing those requirements indefinitely.

Ch 464 (SB 246) Watson. Psychiatric technicians

Existing law provides for the licensing of psychiatric technicians.

This bill would authorize the issuance of an interim psychiatric technician's permit, as specified.

The bill would establish a fee of not more than $20 to be paid for the interim permit.

The bill would also authorize institutions under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services to utilize graduates of accredited psychiatric technician training programs who are not licensed psychiatric technicians or psychiatric technician interim permittees to perform skills included in their basic course of study when supervised by a licensed psychiatric technician or registered nurse, for a period not to exceed 9 months.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Vocational Nurse and Psychiatric Technician Examiners Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

The bill would also declare that it is to take effect immediately as an urgency statute

Ch. 465 (SB 284) Rosenthal. Department of Economic Opportunity: energy assistance benefits

Existing law directs the Department of Economic Opportunity to receive and administer Federal Low Income Home Energy Assistance Block Grants and entitles persons applying for benefits under the Energy Crisis Intervention Program to do so at designated community agencies during regular business hours. Existing law requires applications to be accepted and eligibility for benefits to be determined immediately after the applicant has provided required evidence.

This bill would conform the program to federal law, thus imposing a state-mandated local program by requiring local service providers to (1) locate sites geographically accessible to households served, (2) provide means for the physically infirm to submit applications for benefits without leaving their residence or provide to those persons a means of travel to the site; and (3) provide some form of benefits to an eligible applicant within 48 hours of applying therefor, or immediately, but no later than 18 hours of applying if the particular situation is life threatening

The California Constitution requires 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 466 (SB 460) McCorquodale Absent voter ballots.

Existing law provides that application for an absent voter's ballot shall be made in writing to the elections official having jurisdiction over the election. It provides that an absentee ballot shall be available to any registered voter.

This bill would impose a state-mandated local program by (1) imposing misdemeanor penalties for the commission of specified acts relating to the return of a completed absent voter's ballot application, (2) imposing infraction penalties for the knowing

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

distribution of any application for an absent voter's ballot which does not conform to statutory requirements, (3) imposing misdemeanor penalties upon any person having charge of a completed absent voter ballot who willfully interferes or causes interference with its return, and (4) imposing specified penalties upon any person who applies for an absent voter's ballot by fraudulently signing the name of a fictitious person

The California Constitution requires 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. 467 (AB 116) Moore. Crimes.

Existing law, generally, prohibits wiretapping and eavesdropping upon, or recording of, confidential communications, and intercepting certain cellular radio telephone communications. However, these provisions do not prohibit specified law enforcement officers acting within the scope of their authority from recording any communication which they could lawfully have recorded prior to the effective date of the statute which enacted these provisions (November 8, 1967). Nor are these provisions to be construed to render evidence so obtained inadmissible.

This bill would provide that the prohibitions against wiretapping and eavesdropping do not prohibit any person regularly employed as an airport law enforcement officer, as described, from recording any communication which is received on a certain incoming telephone line if a series of electronic tones are used placing the caller on notice that his or her telephone call is being recorded. The bill would also provide that these communications shall not be rendered inadmissible as evidence It would also limit the application of these provisions to certain airports.

Ch. 468 (AB 182) Harris. Court reporters.

Existing law requires in any case in which a death sentence may be imposed, that all proceedings in the justice, municipal, and superior courts, including proceedings in chambers, shall be conducted on the record with a court reporter present Existing law requires the court to assign a court reporter who uses computer-aided transcription equipment to report all proceedings subject to these provisions

This bill would authorize a court to waive the requirement that a court assign a reporter who uses computer-aided transcription equipment to report these proceedings if the court finds on the record that no court reporter using computer-aided transcription equipment is available This bill would repeal this waiver authority on July 1, 1990.

This bill would provide that the failure to comply with these provisions relating to the assignment of court reporters who use computer-aided transcription equipment shall not be a ground for reversal

This bill would declare that it is to take effect immediately as an urgency statute

Ch 469 (AB 223) Tanner Solid waste facilities plan study

(1) Existing law requires each county to adopt and periodically revise a county solid waste management plan, as specified, and requires the plan to be approved by the California Waste Management Board

This bill would require that the next revision of the plan for the County of Los Angeles occurring on or after January 1, 1988, identify a program and schedule to ensure, to the extent feasible and appropriate, that solid waste facility sites identified in the plan are equitably distributed within the county, thereby imposing a state-mandated local program

The bill would require the board and the County Sanitation Districts of the County of Los Angeles to jointly conduct a study concerning the generation and disposal of solid waste by specified regions of the County of Los Angeles and to submit a report to the Legislature on the study's results by July 1, 1988, 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

---

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

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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs 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. 470 (AB 241) Lancaster. Insurance investments: hedging

(1) Existing law authorizes any domestic incorporated insurer which maintains certain investments equal to its required minimum paid-in capital to make excess funds investments in bonds, notes, or other evidences of indebtedness payable in United States dollars and issued by a corporation incorporated under the laws of an alien government, if, among other things, all the stock of the corporation is owned directly or indirectly by a domestic corporation, as specified.

This bill would revise the above qualification to require that all of the stock of the corporation be owned and ultimately controlled by a domestic corporation and would extend the above authorization, with respect to life insurers, to the above investments payable in a currency other than United States dollars, subject to specified conditions

(2) Existing law authorizes a domestic incorporated insurer, after investing an amount equal to its minimum paid-in capital in specified securities, to invest in certain bona fide hedging transactions and positions in interest rate futures contracts or options on interest rate futures contracts.

This bill would authorize a life insurer, having admitted assets of at least one billion dollars after having invested an amount equal to its required minimum paid-in capital in specified securities, to invest in, for the purposes of bona fide hedging transactions, the purchase and sale of exchange traded options on stock indices, stock index futures contracts, or options on stock index futures contracts, and certain put and call options, as specified The commissioner would be authorized to collect specified fees in this regard which would be deposited in the Insurance Fund. Certain money in the Insurance Fund is continuously appropriated for the support of the department, therefore this bill by adding new sources of revenue to that fund would make an appropriation

Ch. 471 (AB 711) Condit. Harmful matter. minors.

Existing law prohibits as a misdemeanor offense various activities relating to the distribution or exhibition of harmful matter, as defined, to minors.

This bill would provide that these provisions do not invalidate or prohibit the adoption of an ordinance by a city, county, or city and county which restricts the display of material which is harmful to minors in a public place other than a public place from which minors are excluded, by requiring the placement of devices commonly known as blinder racks in front of these materials, so that the lower 2/3 of the material is not exposed to view

Ch. 472 (AB 786) Hauser. Groundwater resources: Town of Mendocino.

Under existing law, certain special districts are authorized to establish programs for the management of groundwater resources within their boundaries

This bill would, subject to specified limitations, authorize any local agency whose jurisdiction includes the area within the Mendocino City Community Services District, and which is authorized by law to provide water services, to establish, by ordinance, or by resolution if not authorized to act by ordinance, programs for the management of groundwater resources within the area in which that water service is being provided in accordance with prescribed procedures. The bill would authorize the local agency to exercise specified powers of a water replenishment district and, subject to approval of the voters of the agency, to fix and collect rates for the extraction of groundwater or to levy a water replenishment assessment The local agency would no longer be authorized to exercise these powers upon completion of a municipal central water system, as prescribed.

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

Ch. 473 (AB 1064) Duplissea. The Controller. offset of delinquent accounts.

Under existing law, the Controller is required, until December 31, 1987, to offset delinquent accounts against personal income tax refunds which have been certified by the Franchise Tax Board in specified priorities.

This bill would extend that requirement to December 31, 1990.

Ch 474 (AB 1084) Jones Kaweah River Power Authority: interest rate

Under existing law, bonds of a local agency may bear interest at a rate not to exceed 12% per year until January 1, 1988, and thereafter not to exceed 10% per year.

This bill would permit the maximum interest rate payable, pursuant to specified project financing agreements entered into by the Kaweah River Power Authority, to be determined by its legislative body, but not to exceed 12% per year, until January 1, 1999.

Ch. 475 (AB 1101) Hill. California State Lottery: reports.

Existing law requires the California State Lottery Commission to make quarterly reports of the operation of the lottery to the Governor, the Attorney General, the Controller, the Treasurer, and the Legislature. Existing law also requires the lottery director to make a monthly financial report and an annual audit report to these public officers and the commission

This bill would specify deadlines for the submission of these reports It would require the lottery director to develop by December 31, 1987, the format and basis on which the monthly financial report is to be prepared.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 476 (AB 1106) Leslie Public social services intercountry adoptions

Under existing law, the State Department of Social Services licenses county adoption agencies, establishes services incident to adoption in counties which do not have a county adoption agency, administers a program for hard-to-place adoptive children, and provides certain services with respect to intercountry adoptions.

Provisions relating to the Intercountry Adoption Program require the department to establish and administer an Intercountry Adoption Program to be carried out by private adoption agencies licensed to perform intercountry adoptions.

Existing law authorizes licensed private adoption agencies to enter into agreements with domestic and foreign adoption agencies, to facilitate the adoption of foreign-born children.

This bill would, instead, require private adoption agencies licensed to provide intercountry adoption services to work only with domestic and foreign adoption agencies with whom they have written agreements that specify the responsibilities of each.

Ch 477 (AB 1153) Wyman. Emergency medical services: reports.

Under existing law, the Director of the Emergency Medical Services Authority is required to report biennially to the Legislature on the coordination of the budgets and activities of other state agencies as they relate to emergency medical services

This bill would repeal this reporting requirement.

Ch. 478 (AB 1156) Johnston. County Employees Retirement Law of 1937· districts. San Joaquin County.

The existing County Employees Retirement Law of 1937 authorizes districts, as defined, to elect to become participants in the county retirement association.

This bill would expand the definition of "district" to include any nonprofit corporation operating under county contract, one or more museums within San Joaquin County and any economic development association funded in whole or in part by San Joaquin County and would extend the prior service provision to their employees, as specified.

Ch 479 (AB 1207) Johnson. Political Reform Act of 1974: committees. statement of organization

Under the Political Reform Act of 1974, committees which receive contributions totaling $500 or more in a calendar year are required to file an amendment to the statement of organization of the committee whenever there is a change in any of the

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

information contained in that statement within a specified period of time

This bill would require the original of the amendment to the statement of organization to be filed with the Secretary of State and a copy filed with the same officer with whom the committee is required to file the originals of its campaign reports.

The bill would also require the inclusion of additional information when a change in a statement of organization is made before an election but after the closing date of the last preelection statement.

This bill would incorporate amendments to Section 84103 of the Government Code which are proposed by SB 1152 if both bills are chaptered and this bill is chaptered last.

Ch. 480 (AB 1291) Frazee. Local coastal program: City of Carlsbad.

The California Coastal Act of 1976 requires mitigation fees for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad outside of specified areas to be deposited in the State Coastal Conservancy Fund. The fees are appropriated from the fund to the State Coastal Conservancy for expenditure for specified purposes in a priority order.

This bill would also appropriate those mitigation fees from the fund to the conservancy for providing access to public beaches in the City of Carlsbad and would delete the restoration of beaches managed for public use in the coastal zone of the city as a purpose for which the fees are appropriated

The bill would require not less than 50% of the fees to be expended for the restoration of natural resources and wildlife habitat in Batiquitos Lagoon and would prohibit the use of the fees for specified purposes

Ch. 481 (AB 1496) Peace Local agencies joint powers· revenue bonds

(1) The Marks-Roos Local Bond Pooling Act of 1985 authorizes a joint exercise of powers entity, created by agreement between 2 or more local public agencies, to function as a local bond pooling authority, 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

The act also permits 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 joint powers entity may 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 the instruments of indebtedness

Finally, the act authorizes any joint powers entity 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 local bond pooling authority

This bill would include working capital, as defined, and the financing of liability or other insurance as projects for these purposes The bill would authorize sale of bonds for these purposes on a negotiated basis without compliance with any otherwise applicable public sale requirement. The bill would prohibit any authority in existence on January 1, 1988, from making a loan to a local agency for those purposes, unless first approved by resolution of the governing body of the authority by unanimous vote.

(2) "Local agency" is defined for purposes of the Marks-Roos Local Bond Pooling Act to mean a party to the agreement creating the joint powers authority, or any agency or subdivision of that party, sponsoring a project of public capital improvements

This bill would include any city, county, city and county, authority, district, or public corporation of this state within the meaning of "local agency" for these purposes.

(3) The bill would make clarifying and related changes

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

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 482 (AB 1590) Hansen. Adult day health care planning.

Existing law authorizes counties to establish an adult day health care planning council of specified members, including 8 members over 55 years of age who meet certain qualifications and a representative of an area health planning agency.

This bill would add a functionally impaired member meeting certain qualifications and who is 18 or over, and under 55 years of age, and add an additional member over 55 years of age. The bill would also delete the member who is a representative of an area health planning agency and add a representative of the county department of social services or equivalent agency.

Ch. 483 (AB 1613) Hansen. Senior nutrition sites.

Under existing law, the Department of Aging is responsible for the statewide implementation of various programs for older persons.

This bill would require the department, in consultation with nutrition site directors and area agencies on aging, to develop policies and guidelines for senior nutrition sites that ensure food safety and that maximize the use of leftover meals and food products.

Ch. 484 (AB 1729) Isenberg Immigration consultants.

Existing law regulates persons in the business of or acting as immigration consultants which, under existing law, is giving advice on an immigration matter, including drafting an application, brief, document, petition, or other paper, or completing a form provided by a federal or state agency in an immigration matter.

This bill would instead provide that a person engages in the business or acts as an immigration consultant when the person gives nonlegal assistance or advice in an immigration matter and would provide that the immigration consultant shall only act in that capacity It would also provide that the assistance or advice is limited to completing forms but not advising as to answers on those forms, translating answers, securing documents, submitting forms, and making referrals for legal representation. This bill would further provide that any act by an immigration consultant that violates the specified limitation of nonlegal assistance or advice would be a violation of the law that regulates immigration consultants

Existing law requires persons in the business or acting as an immigration consultant who enter into a contract to provide a written contract with the contents prescribed by the Department of Consumer Affairs, except that the requirement does not apply to employees of nonprofit, tax-exempt corporations who help clients free of charge

This bill would also provide that those requirements do not apply if the corporation helps clients for a fee, including costs, consistent with that authorized by the Immigration and Naturalization Service.

Under existing law, a violation of the provisions relating to immigration consultants is a misdemeanor.

This bill would provide that a person aggrieved by a violation of those provisions may bring an action for injunctive relief or damages, and that upon a finding of a violation, the court would award actual damages plus treble damages or $300, whichever is greater, plus attorney's fees.

This bill would also provide that any other party may bring an action for injunctive relief, and if the party prevails, would recover attorney's fees

Those actions would be given precedence over other cases.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 485 (AB 1741) Bradley Specialty contractors: subcontracting

Existing law authorizes a specialty contractor to subcontract incidental and supplemental work with 2 or more crafts or trades, as specified.

This bill would provide that in public works contracts, as defined, the awarding authority shall determine the license classification necessary to bid and perform the project and in no case shall the contract be awarded to a specialty contractor with a classification of less than a majority of the project This bill would, in addition, require

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

that all work performed outside the specialty contractor's license specialty shall be performed by a licensed subcontractor, except as specified.

Ch. 486 (AB 45) Agnos. State Coastal Conservancy: study.

Under existing law, the State Coastal Conservancy has powers and duties relating to lands along the coast and lands bordering San Francisco Bay.

This bill would authorize the conservancy to conduct a feasibility study with specified requirements for a commercial fishing and marine environmental research and training center for the study of San Francisco Bay and the Sacramento-San Joaquin Delta. The bill would authorize the conservancy to consider allocating up to $200,000 for the feasibility study from available money in the 1986–87 or the 1987–88 fiscal year. The bill would state findings and declarations of the Legislature relating to the center. The bill would require the conservancy to report the results of the feasibility study to the Legislature one year from the date of enactment of the bill.

Ch. 487 (AB 534) Peace. Hazardous waste· local tax or fee.

(1) Existing law authorizes a city or county, with specified exceptions, to impose a tax for general purposes, or to impose a user fee, on the operation of an offsite, multiuser hazardous waste facility located within the city or county A facility which began operations before January 1, 1987, and was issued a specified hazardous waste facilities permit or was granted interim status before January 1, 1987, is exempt from the tax or user fee.

This bill would delete the above exemption for an offsite, multiuser hazardous waste facility from a city or county tax or user fee for these facilities The bill would also exempt the treatment of infectious wastes from the tax or user fee. The bill would authorize a city or county which imposes this tax to use the revenues collected to fund activities related to the hazardous waste facility's operation and to support specified emergency response services.

(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. 488 (AB 896) Stirling. Vehicles: parking: fire hydrants.

Existing law prohibits parking any vehicle within 15 feet of a fire hydrant with exceptions including when the city or county indicates a lesser distance by signs or markings

This bill would, instead, authorize a city or county to adopt an ordinance reducing that distance and, if the distance is less than 10 feet along the curb or edge of the street, require the distance to be indicated by signs or markings.

The bill would also recast those provisions

Ch. 489 (AB 1040) Bates. Community care facilities: child day care.

Under the existing California Community Care Facilities Act, the State Department of Social Services administers licensure provisions relating to day care facilities for children, including day care centers and family day care homes.

The act provides remedies for discrimination, as defined, by the licensee against an employee who performs certain actions in relation to complaints for violations of the law. A claim by an employee is required to be submitted within 30 days after the action as to which the complaint is made, and presented to the Division of Labor Standards Enforcement not later than 60 days after that action.

This bill would change these time periods to 45 and 90 days, respectively, and would require that employees be notified in writing at the time of employment of their rights under the act, as evidenced by their signature on a notification form outlining actions they may take which are protected by the act The bill would require that these forms be kept on file at each day care facility for children, and that the department provide the forms, as specified Since a willful or repeated violation by an employer of the requirements of this bill would be a misdemeanor under an existing provision of law,

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

this bill 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. 490 (AB 2081) Hayden. Mental health.

Under the Short-Doyle Act, each county is required to consider and make provision for specified priority populations, including mentally ill elderly, including those who are isolated elderly

This bill would impose a state-mandated local program by requiring any county in its annual mental health planning process to consider senior peer counseling in developing its mental health 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 491 (AB 2162) Margolin Air pollution: banking of emission reductions

(1) Under existing law, an air pollution control district or air quality management district may, by regulation, establish a system whereby certain reductions in the emission of air contaminants may be banked and used to offset certain future increases in the emission of air contaminants where the reduction is not otherwise required by federal or state law or district rule, regulation, order, or permit.

This bill would impose a state-mandated local program by requiring any district within a federally designated nonattainment area, and which has established an emissions banking system or other emission reduction crediting system, as specified, to implement a program which identifies and tracks sources possessing emission credit balances accruing from the elimination or replacement of older equipment, analyzes periodically the increases or decreases in emissions which occur when these credits are used by bringing new or modified emission sources into operation, verifies the emission reduction banking or crediting based on current district requirements, and evaluates the system's effects on economic growth and attainment of ambient air quality standards.

The bill would direct the State Air Resources Board, in conjunction with the districts, to establish a technical review group to analyze the performance and achievements, as specified, of emission credit systems. The bill would direct the technical review group to report its findings and recommendations to the state board by January 1, 1989, and would require the state board to revise or adopt the group's recommendations and to transmit the report and its recommendations to the Legislature and the 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

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

Ch 492 (AB 41) Calderon. Transportation. developmentally disabled persons: liability protection

(1) Under the Passenger Charter-Party Carriers' Act, medical transportation vehicles are excluded from the Public Utilities Commission's regulatory authority

This bill would, for the purpose of that exemption, define "medical transportation vehicles" as including vehicles employed to transport developmentally disabled persons for regional centers for persons with developmental disabilities, and would exclude a

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

person or corporation which operates those vehicles from the definition of "passenger stage corporation."

(2) Under the Public Utilities Act, the commission is directed to require passenger stage corporations to maintain adequate protection against liability against personal injury, including death, and property damage or destruction.

This bill would require a provider of transportation services to regional center clients for the regional center to maintain liability protection at levels established by the regional center

(3) This bill would make additional changes in Section 5353 of the Public Utilities Code, proposed by SB 719, to be operative only if this bill and SB 719 are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered after SB 719.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 493 (AB 995) Farr. Community college districts: contract education programs.

Existing law authorizes the governing board of any community college district, or with one or more other 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.

Existing law requires that the contracting community college district or districts recover, from all revenue sources, as specified, an amount equal to the actual costs incurred in providing these programs or training

This bill would specify that the costs to be recovered include administrative costs.

This bill would delete certain obsolete provisions regarding the establishment and duties of a task force on the use of contractual education programs by community college districts.

This bill would set standards for selection, hiring, compensation, and evaluation of faculty teaching in contract education classes, as specified, and would require that standards for evaluation of faculty teaching not-for-credit contract educational programs be established by contract, as specified. The bill would specify that these provisions shall not be construed to restrict the appearance of guest lecturers in any programs or classes operated by a community college district

This bill would prohibit contracting nonprofit public benefit corporations that are not organized as auxiliary organizations, as specified, from using the name of a community college or community college district and from employing community college district resources and staff without full compensation for all related costs.

Ch. 494 (SB 324) Davis. Death disclosure: real property.

Existing law provides that no cause of action against an owner of real property or his or her agent accrues for a failure to disclose to a transferee that a prior occupant was afflicted with AIDS.

This bill would extend that provision to include the failure to disclose death from AIDS. In addition, the bill would immunize owners of real property and their agents from causes of action based on their failure to disclose the death of an occupant upon the real property or the manner of death where the death has occurred more than 3 years prior to the date a transferee offers to purchase, lease, or rent the real property. The bill would further provide that neither the provisions of existing law, nor the provisions of this bill, shall be construed to immunize an owner or his or her agent from making an intentional misrepresentation concerning deaths on real property in response to a direct inquiry from a transferee or prospective transferee.

Ch. 495 (SB 341) Montoya. Weighmasters: license fees.

(1) Existing law requires each weighmaster to pay a license fee for each license year to the Department of Food and Agriculture of $50 if the weighmaster is operating at a fixed location, $20 for each additional location, and $10 for each deputy weighmaster.

This bill would increase these fees to $75, $30, and $20, respectively, thereby making an appropriation, as these fees would be deposited in the Department of Food and

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

Agriculture Fund, from which money is continuously appropriated to the department for the purpose of regulating weighmasters.

(2) Existing law requires a weighmaster to forward to the department the names of the deputy weighmasters designated to act for the weighmaster.

This bill would authorize a weighmaster to replace deputies without the payment of additional fees The bill would impose a state-mandated local program by providing that a weighmaster who does not forward a deputy name, as required, is guilty of an infraction.

(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. 496 (SB 450) Kopp. Evidence: compromise offers.

Under existing law, evidence that a person has, in compromise or from humanitarian motives, offered to furnish money or anything else to another who has sustained or claims to have sustained damage, is inadmissible to prove liability.

This bill would provide that if evidence of an offer to compromise is admitted in an action for breach of the covenant of good faith and fair dealing or violation of specified provisions of existing law relating to unfair claims settlement practices, then evidence relating to other offers may be admitted as specified, for the same purpose as the initial evidence admitted. It would also provide that except what may be admitted in an action for breach of the covenant of good faith and fair dealing or violation of specified provisions of existing law relating to unfair claims settlement practices, evidence of settlement offers shall not be admitted in a motion for a new trial, in any proceeding involving an additur or remittitur, or on appeal.

Ch. 497 (SB 499) L Greene. Housing. revenue bonds.

Existing law authorizes a city, county, city and county, or redevelopment agency to issue revenue bonds and make loans for certain home financing programs for persons below specified income levels.

This bill would add to the definition of "home" for purposes of these programs specified 2-, 3-, or 4-family dwelling units.

Ch 498 (SB 544) Deddeh Taxation.

Existing property tax law provides for the supplemental assessment of real property which is purchased, changes ownership, or on which new construction is completed after the lien date

This bill would define "taxable value," for purposes of supplemental assessment, with respect to real property assessed by the State Board of Equalization.

This bill would clarify the application of penalties and interest to installments of supplemental assessments for which certain exemption claims are filed late, but prior to the delinquency date of the first installment.

Existing property tax law defines a "possessory interest" as applied to property owned by any agency of the federal government. The operation of this definition was conditioned upon the State Board of Equalization's adoption of regulations defining "constructive attachment" of items of personal property prior to January 1, 1985.

This bill would repeal the statutory definition as obsolete due to the board's adoption of the appropriate definitional regulations.

Existing property tax law provides for various exemptions from taxation for property owned and operated by various entities in accordance with the so-called welfare exemption or veterans' organization exemption.

This bill would correct various internal section references in those exemptions.

Existing property tax law requires the annual filing with the State Board of Equalization of a property statement relating to property assessed by the board and provides for the imposition of penalties in connection with the full value of the assessment of so much of the property as is not timely reported.

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

This bill would reinstate clarifying provisions, which were enacted by Chapter 1091 of the Statutes of 1985 and were inadvertently superseded by Chapter 1457 of the Statutes of 1986, regarding the suspension of further penalties on subsequent assessments for failure of an assessee to comply with any subsequent request for information if the assessee has made a timely claim for refund of the penalties and initiates a court action within one year of the filing of the claim for refund

Existing property tax law provides a hearing procedure before an assessment appeals board for the reduction in an assessment on the current or supplemental roll upon the filing of an application by the assessee or his or her agent, with special provision being made for the filing of applications based on erroneous assessments stipulated to by the assessee and the assessor

This bill would revise the procedure relating to applications based on stipulated erroneous assessments as to the board's acceptance of the written stipulation of the property's value and the appearance of the assessee or his or her agent at the hearing

This bill would revise statutory provisions concerning the contents of each county tax bill or accompanying statement by deleting obsolete provisions regarding the inclusion of the full value of property derived by intercounty equalization orders by the State Board of Equalization.

The existing Private Car Tax Law imposes a tax, computed as specified, on private cars, as defined, operated upon railroads in this state.

This bill would make various revisions of, additions to, or deletions in, that law to conform with existing business tax collection provisions affecting the handling of delinquent amounts, the service of notices of levy for delinquent amounts, the issuance of warrants for collection, the seizure and sale of property in satisfaction of liability, the treatment of successor liability, the authority of the State Board of Equalization to administer that law, the personal liability of certain corporation officers for the tax, the refund of taxes without approval of the State Board of Control, and the cancellation of illegal assessments.

The existing Timber Yield Tax Law imposes a timber yield tax on every timber owner who harvests his or her timber or causes it to be harvested, every timber owner of felled or downed timber who acquires title to that timber from an exempt person or agency, and every timber owner who harvests or causes to be harvested timber owned by another This tax is imposed at a specified rate of the timber's immediate harvest value, as defined

This bill would make various revisions of, additions to, or deletions in, that law to conform with existing business tax collection provisions affecting the service of notice of determination of the tax, the authorization of an administrative hearing in the case of a jeopardy determination, the procedure for the collection of delinquent amounts or amounts unpaid following a determination, the procedure relating to a notice of levy, and the authorization of the State Board of Equalization to contract for the collection of unpaid taxes from out-of-state persons or corporations after the failure of the usual collection procedures This bill would impose a state-mandated local program by revising the criminal penalties for taxpayer violations 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.

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

Ch. 499 (SB 687) Bergeson Bicycles bicycle lanes and bikeways

(1) Existing law authorizes the establishment of bicycle lanes and prohibits any motorized bicycle from operating on a bicycle path or trail, bicycle lane, or bikeway unless permitted by the local authority having jurisdiction over the path or trail.

This bill would prohibit any person, with specified exceptions, from stopping, standing, sitting, or loitering upon any bicycle lane, bikeway, or bicycle path or trail and would prohibit a person, with specified exceptions, from placing any bicycle, vehicle, or other object on any bicycle lane, bikeway, or bicycle path or trail, if these actions impede or block the normal and reasonable movement of any bicyclist

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

This bill would impose a state-mandated local program by creating a new crime concerning bicycle paths, trails, lanes, and bikeways.

(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. 500 (SB 716) Lockyer. Real property: racial restrictions.

Existing law provides for the revision of a written contract to express the true intentions of the parties when that is not expressed in the contract because of fraud or mutual mistake. Existing law also provides that racial restriction provisions in deeds or other written instruments relating to real property are void, as specified.

This bill would provide that any restriction as to race or color in a deed or other written instrument relating to real property shall be deemed to be revised to omit that provision.

Ch. 501 (SB 734) Garamendi. 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 and requires the Controller to audit this apportionment and allocation on a periodic basis determined by the population of the county.

This bill would require the Controller to annually submit a report to the Legislature containing a description of the audit findings for each county which was audited during the prior year and recommendations to the Legislature for legislation to correct any errors in the apportionment and allocation of property tax revenues which were determined as a result of these audits. This bill would require a report covering audits conducted during 1986 to be submitted to the Legislature on or before January 1, 1988.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 502 (SB 898) Campbell. Nursing home administrators.

Existing law specifies the maximum amount for various fees which may be fixed by the State Board of Examiners of Nursing Home Administrators pursuant to the Nursing Home Administrator's Licensing Act. Existing law specifies the fee for preceptor training and certification.

This bill would delete the term "training" from those provisions.

Ch. 503 (SB 1573) Campbell. Vehicles: occupational licensing.

(1) Existing law makes it unlawful for dealers to advertise the total price of a vehicle without including all costs to the purchaser at time of sale exclusive of specified taxes, fees, and dealer documentary preparation charges, and limits the preparation charges to $20.

This bill would also exclude those specified fees and dealer documentary preparation charges from advertisements and sales by licensed lessor-retailers.

The bill would also prohibit the representation of the dealer documentary preparation charge, or certificate of compliance or noncompliance fee, as a governmental fee, thereby imposing a state-mandated local program by creating a new crime.

The bill would increase the allowable dealer documentary preparation charge to $25 and would limit the documentary preparatory charge of a lessor-retailer to $25, thereby imposing 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. 504 (AB 292) M. Waters. Employment and Economic Incentive Act: qualified business

---

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

The Employment and Economic Incentive Act defines "qualified business" for certification by the Department of Commerce for the purpose of qualifying the business for benefits under the act as, among other things, any person, corporation, or other entity which is certified by the department as meeting specified criteria.

This bill would redefine qualified business as any person, corporation, or other entity certified during the taxable income year by the department as meeting specified criteria.

This bill would declare that it is to take effect immediately as an urgency statute

Ch 505 (AB 366) Baker State Highway Construction Revolving Account

Under existing law, the Department of Transportation is not authorized to advance money in the State Transportation Fund to local entities for construction of improvements to the state highway system.

This bill would create the State Highway Construction Revolving Account in the State Transportation Fund, and would continuously appropriate all money in the account to the department for advances to counties and cities for costs of construction of improvements to the state highway system that would benefit the local community The bill would specify related powers and duties of the department and terms and conditions of any such advance.

The bill would transfer $50,000,000 from the State Highway Account in the State Transportation Fund to the State Highway Construction Revolving Account.

Ch. 506 (AB 397) O'Connell. Employee alcohol and drug rehabilitation.

Under existing law, private employers regularly employing 25 or more employees are required to reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol rehabilitation program, if this does not impose an undue hardship on the employer. Existing law provides that an employee may file a complaint with the Labor Commissioner if he or she believes that he or she has been denied reasonable accommodation as required by that law and makes certain provisions of law applicable to the complaint One of these existing provisions of law applicable to the complaint is that no person shall discharge, threaten with discharge, demote, suspend, or discriminate in the terms and conditions of employment against, any employee, because the employee has filed a bona fide complaint with the Labor Commissioner.

This bill would make the above-described provisions applicable to alcohol and drug rehabilitation programs and would make certain related changes.

Ch. 507 (AB 414) Tanner. Restricted material. user's permits.

(1) Existing law makes it a misdemeanor for any person to sell or deliver a restricted material to any person required to have a permit to use the material unless the permittee signs a written statement that the permittee holds a valid permit to use the kind and quantity of material which is delivered

This bill would revise that provision to make it a misdemeanor to sell or deliver the material to any person required to have a permit to possess or use the restricted material unless the permittee provides the seller or person delivering the material with a copy of a permit which authorizes possession or use of the kind and quantity of material on the date the restricted material is delivered, thereby imposing 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. 508 (AB 491) Lancaster. State government

Existing law requires the Real Estate Commissioner to execute a bond in the sum of $10,000 for the faithful discharge of the duties of the office and requires the Treasurer to execute an official bond in the sum of $100,000.

This bill would delete the above requirements.

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

Ch. 509 (AB 506) Hill Alcoholic beverages

Existing law provides that no alcoholic beverages may be delivered to an on-sale or off-sale alcoholic beverage licensee on Sunday or except between the hours of 6 a.m. and 8 p.m of any day other than Sunday

This bill would provide that beer and wine may be delivered to those licensees between the hours of 4 a.m and 8 p m on any day other than Sunday

Ch. 510 (AB 530) Speier. Air pollution: district fees.

Under existing law, the board of directors of an air pollution control district or air quality management district may adopt a permit system and a schedule of annual fees for the evaluation, issuance, and renewal of permits A district board may also adopt a schedule of fees for the costs of planning, preliminary evaluation, sampling, sample analysis, calculations, and reports with respect to emissions samples secured from emission sources

This bill would permit a district board to adopt a schedule of fees applicable to sources not included within the district permit system to cover the costs of evaluating plans required by law or regulation The bill would require the district board to hold a public hearing for purposes of making available supporting data on the actual or estimated costs involved at least 30 days prior to the meeting of the district board at which the adoption or revision of the fee schedule is to be considered

Ch. 511 (AB 567) Zeltner. Youth Authority.

Existing law authorizes the deduction of a specified portion of the wages of a person committed to the Youth Authority for restitution fines imposed upon conviction of a crime Existing law also requires payment of restitution fines imposed pursuant to juvenile court proceedings to be imposed as a condition of parole from the Youth Authority.

This bill would also authorize such a deduction when a restitution fine was imposed pursuant to a juvenile court proceeding It also would require payment of restitution fines imposed upon conviction of a crime to be imposed as a condition of Youth Authority parole It also would provide that the above provisions also are applicable to orders for restitution to the victims of crime, as specified

Ch 512 (AB 652) Jones Pesticide use permits

Existing law prohibits the use of restricted pesticide materials unless the person applying the pesticide obtains a use permit from the county agricultural commissioner.

This bill would require the Department of Food and Agriculture to conduct a specified study of the commissioner's offices relating to computerization of pesticide enforcement activities and other programs conducted under the direction of the department, and to submit a report of the findings of the study to the Legislature not later than July 1, 1988.

Ch. 513 (AB 715) Allen Vehicles registration.

(1) Existing law exempts commercial vehicles which are operated or used exclusively off the highways from identification plate or device display requirements

This bill would make that exemption applicable only to commercial vehicles weighing more than 6,000 pounds unladen, thereby imposing a state-mandated cost 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 514 (AB 860) Quackenbush Health and Welfare Agency contracts

Existing law contains various provisions applicable to contracts entered into by state departments within the Health and Welfare Agency.

This bill would state the intent of the Legislature to promote efficiency in the adminis-

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

tration of multiple contracts between nonprofit corporations and divisions of the State Department of Health Services by requiring uniform provisions concerning fringe benefits. The bill would require the state department to review specified health programs and to develop a procedure whereby a contracting nonprofit corporation is notified at the execution of a contract of terms and conditions relating to personnel costs. The bill would require the state department to take the steps necessary to achieve uniformity among contracts.

Ch. 515 (AB 1037) Katz. Hazardous waste: transportable treatment units.

Existing law requires the State Department of Health Services to issue hazardous waste facilities permits to facilities which treat hazardous waste.

This bill would make a finding of legislative intent and would require the department to develop a permitting process by July 1, 1988, for transportable hazardous waste treatment units.

Ch. 516 (AB 1043) Kelley. Discounts for seniors

Under existing law, the Department of Consumer Affairs is required to establish a program to encourage the development of community discount programs for seniors.

This bill would, instead, specify that the Department of Aging shall administer the program.

Ch. 517 (AB 1074) Condit. Alcoholic beverages.

Existing law provides for the issuance of duplicate licenses for premises with an on-sale general license using separate rooms for service of alcoholic beverages from separate bars

This bill would authorize the issuance of a separate alcoholic beverage license for a portable bar for an on-sale general licenseholder who has premises with a fixed counter or bar and who utilizes a portable bar for servicing separate rooms.

Ch 518 (AB 1341) Mojonnier Vessels· crimes.

Existing law defines the crime of vehicular manslaughter, among other things, as including the operation of a vessel in violation of specified provisions relating to intoxication in the commission of an unlawful act not amounting to a felony, and with gross negligence, or operating a vessel in violation of these provisions in the commission of a lawful act which might cause death in an unlawful manner, and with gross negligence.

This bill would redefine those offenses as gross vehicular manslaughter while intoxicated.

Ch. 519 (AB 2450) Sher. San Francisco Bay Conservation and Development Commission

(1) Under existing law, any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land, or structure within the area of the jurisdiction of the San Francisco Bay Conservation and Development Commission is required to secure a permit from the commission in accordance with prescribed procedures and requirements.

This bill would revise those procedures. The bill would generally require the commission to establish reasonable requirements to assure that sufficient information is provided by applicants to allow the commission to act on permit applications and would prescribe related requirements. The bill would extend the period of effectiveness of a cease and desist order issued by the executive director of the commission from 30 to 90 days. The bill would make related and other conforming changes and would delete obsolete provisions.

(2) Under existing law, any person or governmental agency who intentionally or negligently violates any cease and desist order issued, reissued, or amended by the commission or the executive director may be liable civilly in a sum of not to exceed $6,000 for each day in which the violation persists.

This bill would additionally make any person or entity who violates any provision of law relating to the commission subject to a civil penalty of not to exceed $5,000 and any

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

person or entity who intentionally and knowingly undertakes any activity requiring a permit without that permit or violates any term or condition of any permit subject to a civil penalty of not less than $50 nor more than $5,000 per day for each day in which the violation occurs or persists The bill would additionally permit the recovery of exemplary damages

The bill would also permit civil liability to be administratively imposed by the commission, in accordance with prescribed procedures, in an amount not less than $10, nor more than $1,000, per day, not exceeding $20,000 for a single violation, and subject to judicial review as prescribed. The bill would require the commission, in determining the amount of administrative civil liability, to take into consideration specified matters The bill would prescribe related matters

Ch. 520 (AB 2530) Jones. Crimes.

Existing law prohibits conduct which is intended to knowingly intimidate any witness or victim from testifying at a criminal proceeding.

This bill would provide that every person imprisoned in a county jail or the state prison who has been convicted of designated sexual offenses who knowingly reveals the name and address of any witness or victim to that offense to any other prisoner with the intent that the other prisoner will intimidate or harass the witness or victim through the initiation of unauthorized correspondence with the witness or victim, is guilty of a public offense, punishable by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison

This bill would specify that these provisions shall not prevent the interviewing of witnesses

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 521 (SB 224) Robbins Motor vehicles removal

(1) Under existing law, a peace officer or a specified public employee may remove a vehicle from a highway and store it in a garage or place of safety, as specified, under specified circumstances, including if the vehicle is registered in a foreign jurisdiction or has no current California registration, as specified, and if the vehicle is known to have been issued 5 or more notices of parking violations within 5 or more days to which the owner or person in control of the vehicle has not responded The vehicle may be impounded until the owner or person in control of the vehicle furnishes identity and an address in this state where he or she can be located and evidence that bail for the violations has been deposited or until that person is given a notice to appear in court or is taken before a magistrate. After impoundment, evidence of current registration is required to be produced or a notice to appear for violation of the requirement for registration of the vehicle is required to be issued to that person.

This bill would make that provision applicable to any vehicle, other than a rented vehicle, found on a highway or any public lands if it is known to have been issued those parking violations to which the owner or person in control of the vehicle has not responded to the agency responsible for processing notices of parking violations. The bill would impose a state-mandated local program by adding conditions under which the impounded vehicle is required to be released to the legal owner and would make a vehicle released to a legal owner under those provisions a repossessed vehicle for purposes of disposition or sale

(2) Existing law also authorizes a peace officer or specified public employee to remove a vehicle from a highway and store it in a garage or place of safety, as specified, if the vehicle has been reported stolen or embezzled, if the driver is incapacitated, if the vehicle registration has been expired for over one year, or if the driver has no license or the license has been suspended or revoked and the driver is arrested for that offense Existing law also authorizes the California State Police or specified state agency em-

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

ployees to remove vehicles to the nearest public garage from state property, among other conditions, when the vehicle has been reported stolen or embezzled or if the driver is incapacitated if the appropriate city police or sheriff is notified.

This bill would, additionally, authorize a peace officer or specified public employee to remove and store a vehicle in a garage or place of safety, as specified, if the vehicle is found on any public lands and the vehicle has been reported stolen or embezzled, if the driver is incapacitated, if the vehicle registration has been expired for over one year, or if the driver has no license or if the driver's license has been suspended or revoked and the driver is arrested for that offense.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 522 (SB 360) Craven Real estate: advisory commission: member compensation.

Existing law provides that members of the Real Estate Advisory Commission shall serve without compensation, but each shall be allowed his or her actual and necessary expenses in discharge of his or her duties

This bill would provide that the members shall receive a per diem salary of $100 per day as well as actual and necessary expenses incurred in the discharge of duties.

Existing provisions of the Business and Professions Code continuously appropriate the money in the Real Estate Fund. Because this bill would make those moneys available for a new purpose, it would constitute an appropriation.

Ch. 523 (SB 414) Craven. Initiative petitions. signatures.

Existing law does not prohibit payment in exchange for signatures on initiative petitions.

This bill would impose a state-mandated local program by imposing misdemeanor penalties on every person who offers or gives money or other valuable consideration to another in exchange for a signature on a state, county, municipal, or district initiative petition.

The California Constitution requires 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 524 (SB 547) Bergeson. School building construction: inspectors.

Existing law provides that any person employed to inspect the construction, reconstruction, or alteration of school buildings of school districts or community college districts shall be a registered construction inspector, or shall be regularly employed for school building code enforcement by the local agency having responsibility for inspection, except as otherwise exempted.

The provisions formerly requiring registration for these purposes were repealed in 1981

Existing law further requires that school building construction inspectors be satisfactory to the architect or structural engineer on the project and to the Department of General Services.

This bill would repeal the requirements summarized in the first paragraph above.

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

Ch. 525 (AB 62) Grisham. Spectacle lens dispensers.

(1) Existing law provides that any person approved as a manager of dispensing operations of a registered dispensing optician before January 1, 1987, as specified, shall be exempt from an examination requirement for registration as a registered spectacle lens dispenser.

This bill would extend that date to January 1, 1988.

(2) Existing law provides that, on and after January 1, 1988, no person shall fit and adjust spectacle lenses unless the person has a certificate of registration issued by the Division of Allied Health Professions of the Board of Medical Quality Assurance. The law also establishes the fees for the issuance of those certificates and provides that the provisions establishing the fees are to be operative on and after January 1, 1988.

This bill would specify that the division may process applications, accept fees, and perform other functions necessary to implement those provisions prior to January 1, 1988, and would delete the January 1, 1988, operative date of the provision establishing the fees.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 526 (AB 933) Eaves Aeronautics operating aircraft under the influence of alcohol or drugs

(1) The existing State Aeronautics Act prohibits a person from operating an aircraft under the influence of intoxicating liquor or controlled substances, provides criminal penalties therefor, and authorizes a court, upon conviction, among other things, to prohibit the person from operating an aircraft for not more than one year.

This bill would revise that prohibition to specify operation under the influence of an alcoholic beverage or any drug, or the combined influence of both, and would, in addition, prohibit the operation of an aircraft by a person having 0 04% or more, by weight, of alcohol in the blood. The bill would declare that every person who operates an aircraft is deemed to have given consent to a chemical test of the blood, breath, or urine upon the request of a peace officer incidental to a lawful arrest for operating an aircraft under the influence or incidental to an investigation of a suspected violation of state or local law The bill would specify the conditions and procedures for conducting the test, and would require a peace officer requesting a person to take a test, but who refuses to take the test, to report that person to the Federal Aviation Administration.

Under other provisions, a violation of the prohibition of flying an aircraft with a blood-alcohol content of 0 04% or more, by weight, would be a crime, 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 527 (AB 1135) Campbell Water rights bypass flow requirements

Under existing law, the State Water Resources Control Board administers the water rights functions of state government

This bill would require the board to prepare and submit to the Governor and the Legislature by July 1, 1988, a report evaluating the board's ability to monitor and enforce compliance with bypass flow and other requirements included as conditions in water rights permits and licenses, including specified matters

Ch. 528 (AB 1282) Hansen. Fresh grapes: survey.

Under existing law, in order to fund a grape crush report, the Director of Food and Agriculture is authorized to collect a fee of up to 3¢ per ton of grapes received for crushing from processors who crush more than 100 tons of grapes in this state One-half of this fee may be deducted from funds owed by a processor to the producer of the grapes. The fees are deposited in the Department of Food and Agriculture Fund

This bill would increase the fees that may be charged in order to fund the report to 5¢ per ton This increase in fees would result in an appropriation since the Department

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

of Food and Agriculture Fund is continuously appropriated to the Department of Food and Agriculture for certain purposes, including preparation of this report.

Ch. 529 (AB 1593) O'Connell School district employees' leaves of absence. notice.

Existing law requires governing boards of all school districts to adopt regulations regarding industrial accident or illness leaves of absence for classified employees, as specified, and also authorizes the governing boards, by rule or regulation, to provide as much additional leave of absence, paid or unpaid, as it deems appropriate

This bill would require that the rules authorized for providing additional leave of absence, require that an employee be notified, in writing, that paid leave has been exhausted, and offered an opportunity to request additional leave, thereby imposing a state-mandated local program

Existing law authorizes a school district to grant permanent classified employees specified leave of absence for nonindustrial accident or illness, after all entitlement to sick leave, vacation, compensation overtime, or other available paid leave is exhausted.

This bill would require that the employee be notified, in writing, that paid leave has been exhausted, and offered an opportunity to request additional leave, and 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,-000, shall be made from the State Mandates Claims Fund

Ch. 530 (AB 1622) Campbell Stored vehicles lien sales

Existing law prescribes procedures for removal and lien sales of abandoned vehicles with an estimated value of $100 or less

This bill would increase that value to $300 or less

Ch 531 (AB 1632) Leonard. Child care facilities

Under the California Community Facilities Act and the California Child Day Care Facilities Act, prior to granting a license, the State Department of Social Services is required to check the Child Abuse Registry and to investigate any reports received

This bill would require that the investigation include the review of the investigation report and file prepared by the child protective agency which investigated this child abuse report

Under Penal Code provisions on child abuse reporting, the local law enforcement agency having jurisdiction over a child abuse report and a child protective agency is required, in the case of a licensed child care facility, to report the case to the department

This bill would impose a state-mandated local program by requiring the law enforcement agency and the child protective agency to send the licensing agency, upon its request, a copy of the report of its investigation and other pertinent materials

This bill would also authorize information relevant to the incident of child abuse to be given to the licensing agency when it is investigating a known or suspected case of child abuse, as provided

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,-

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

000, shall be made from the State Mandates Claims Fund

Ch 532 (AB 1652) Sher. Management companies: shareholder meetings.

Existing law requires an annual meeting of shareholders to be held for the election of directors on a date and at a time stated in or fixed in accordance with a corporation's bylaws

This bill would exempt regulated management companies, as defined, from this requirement and instead require these companies to hold shareholder's meetings in accordance with the Investment Company Act of 1940

Ch. 533 (AB 1855) La Follette Hazardous substance removal and remedial actions.

Under existing law, the money in the Hazardous Substance Cleanup Fund and the Hazardous Substance 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. Existing law prohibits the expenditure of money for removal actions at facilities owned or operated by a government entity at the time of disposal, to the extent the entity would otherwise by liable for these costs.

This bill would revise that prohibition to only include hazardous substance release sites owned or operated by the federal government or a state or local agency and would exclude from this prohibition funds expended for oversight. The bill would also authorize the department to expend funds from the state account or the fund, upon appropriation by the Legislature, to take a removal or remedial action at a site which was owned or operated by a local agency at the time of the release if the department has substantial evidence that a local agency is not the only responsible party for the site and the department complies with specified requirements

The bill would provide that, if a local agency is identified as a potentially responsible party in a remedial action plan and the department expends funds to pay for the local agency's share of the removal and remedial action, the expenditure of these funds would be deemed a loan to the local agency and would be required to be repaid, as specified

If AB 2448 is enacted and becomes effective January 1, 1988, the bill would prohibit the department from expending funds from the state account or the fund for a removal or remedial action at a class III waste management unit owned or operated by a local agency, as specified.

Ch. 534 (AB 1923) Bader Milk and dairy products

(1) Existing law prescribes an application fee of $3 for a manufacturing milk handler license.

This bill would instead require the payment of a fee as prescribed in Section 61494, which imposes a $3 fee

(2) Existing law requires manufacturing milk and market milk handler licenses to be issued for a period of 12 months and requires a renewal fee of $3.

This bill would delete those requirements and instead require ½ of the licenses to be issued for a 24-month period and ½ for a 12-month period, beginning January 1, 1988, and for a 24-month period beginning January 1, 1989, and would increase the renewal fee to $25 for a 24-month period

Ch. 535 (AB 2001) McClintock Real estate

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. The law provides for separate accounts in the Real Estate Fund which are known as the Education and Research Account and the Recovery Account and provides that 15% of any license fee collected shall be credited to the Education and Research Account and 5% shall be credited to the Recovery Account

This bill would revise those provisions by (1) changing the percentage credited to the

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

accounts from 15% to 8% and 5% to 12%, respectively, thereby making an appropriation (2) authorizing a person who has obtained an arbitration award to apply for payment from the Real Estate Recovery Program in the same manner as a person who has obtained a final judgment, (3) requiring an applicant for payment to file a statement that the complaint upon which a judgment was obtained was prosecuted conscientiously and in good faith, as specified, and that the underlying judgment has not been discharged in bankruptcy or been declared nondischargeable, as specified, and (4) requiring that an applicant be given notice of his or her obligation to protect the judgment from being discharged in bankruptcy.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Recovery Account in the Real Estate Fund. Because this bill would increase the amount of moneys in the account, it would constitute an appropriation.

Ch 536 (AB 2096) Peace. Public Utilities Commission· telephone corporations· reimbursement fees

Under existing law, the Public Utilities Commission annually fixes and imposes fees on public utilities subject to its jurisdiction and control, including telephone corporations, reflecting the costs of its regulation of those utilities, and this money is available to the commission for these purposes upon appropriation by the Legislature

This bill would permit the commission to impose an additional fee on a telephone corporation for the costs of consultants and advisory services needed to assist in determining the reasonableness of its capital expenditures

Ch 537 (SB 587) Ellis. Property taxation base-year values.

Existing property tax law provides for the establishment of base-year values for all real property in accordance with prescribed criteria Existing property tax law permits an application for the reduction in the base-year value of assessments on the current roll to be filed within a prescribed period subject to certain limitations which establish conclusive presumptions as to the validity of those base-year value determinations which are made in accordance with specific statutory provisions and when either no application for equalization is filed within prescribed periods or the base-year value is determined pursuant to the application Existing property tax law also establishes various periods of limitation within which escape assessments may be made. Escape assessments may be made within 8 years after July 1 of the assessment year in which the real property escaped taxation or was underassessed, in the case of unrecorded changes in ownership or changes in control, within 6 years after July 1 of the assessment year in which the property escaped taxation or was underassessed, in the case of any assessment to which a penalty for concealment, misrepresentation, or fraud applies, or within 4 years after July 1 of the assessment year in which the property escaped taxation or was underassessed, in all other cases.

This bill would require the correction of any error or omission in the determination of a base-year value pursuant to specific statutory provisions, which does not involve the exercise of the assessor's judgment as to value, in the assessment year in which the error or omission is discovered and would permit the correction of any error or omission involving judgments of value within 4 years after July 1 of the assessment year for which the base-year value was first established This bill would define "assessment year" and "clerical errors" for purposes of these authorized corrections

This bill would prescribe the applicable standard of proof for establishing the existence of clerical errors

This bill would establish a conclusive presumption that a base-year value determined pursuant to these authorized corrections is the base-year value unless an application for equalization is filed within a prescribed period This conclusive presumption would apply to the base-year value established pursuant to a timely filed application for equalization

This bill would define "assessment year" for purposes of determining the applicable period of limitations for the making of the escape assessments specified above.

This bill would make various legislative findings and declarations relating to its provisions

---

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

Ch. 538 (SB 699) Seymour. Highways high-occupancy vehicle lanes

(1) Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles.

This bill would require specified high-occupancy vehicle lanes to be separated from adjacent mixed-flow lanes by a buffer area of at least 4 feet in width.

The bill would impose a state-mandated local program by requiring a transportation planning agency having a specified high-occupancy vehicle lane within its jurisdiction to either enter into an agreement with the department to provide and pay the costs for the buffer or to request that the high-occupancy lane be changed to a mixed-flow lane. Upon receipt of such a request, the bill would require the department to proceed with the work necessary to change the lane to a mixed-flow lane.

The bill would only become operative if SB 622 becomes operative.

(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 539 (AB 637) Hauser. Tributyltin-based paints

(1) Existing law does not expressly prohibit the use of tributyltin-based paints

This bill would prohibit a person from selling or using TBT-based marine antifouling paint or coating, as defined, in this state, except as specified, or from selling, renting, or leasing in state waters a vessel, fishing gear, or other item intended to be partially or completely submerged in water, which has been so painted or treated with TBT-based marine antifouling paint or coating The bill would expressly not require the removal of TBT-based marine antifouling paint or coating from any vessel, fishing gear, or other item, but would prohibit repainting or retreating with those paints or coatings. The bill would also prohibit, after January 1, 1993, the use of fish capture nets that were so painted or treated before January 1, 1988, and would prohibit after January 1, 1989, the use of specified fish culture pens that were so treated. The bill would permit the sale and use of slow-leaching TBT-based marine antifouling paint, as defined, only if it meets specified requirements concerning its use on specified vessels or is sold as outboard or lower unit paint in specified spray cans.

The bill would impose a state-mandated local program since violation of these prohibitions would be a misdemeanor

The bill would specify related matters and would make these provisions inoperative on the effective date of specified regulations adopted by the Department of Food and Agriculture.

(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 540 (AB 1671) Sher. Monarch butterfly.

Under existing law, the Department of Fish and Game is not required to inventory habitat for Monarch butterflies.

This bill would require the department to inventory, as specified, the areas of critical habitat for winter roosting sites for Monarch butterflies on or before July 1, 1988

The bill would appropriate $12,000 from the California Environmental License Plate Fund to the department for purposes of preparing the inventory

Ch. 541 (AB 86) Elder Business and professions. barbering and cosmetology.

(1) Existing law requires the State Board of Barber Examiners to elect a president and a secretary as officers.

This bill would require the board instead to elect a president and vice president

(2) Existing law requires the State Board of Barber Examiners to be furnished with

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

suitable quarters.

This bill would delete that requirement.

(3) Existing law authorizes the State Board of Barber Examiners to employ specified personnel and requires that those persons work under the immediate control and supervision of the board

This bill would delete the requirement that those persons work under the control and supervision of the board

(4) Existing law specifies that the duties of an examiner-field representative for the State Board of Barber Examiners are limited to the administration of specified examinations, the inspection of barber shops and schools, and the assisting in disciplinary actions.

This bill would delete the limitation on those duties and instead provide that those duties shall constitute the basic duties of an examiner-field representative.

(5) Existing law requires a person who desires to open a barber college to file an application with, and obtain a license from, the State Board of Barber Examiners.

This bill would provide that if an applicant fails to open a barber college within one year after approval of an application, the application shall be considered abandoned.

(6) Existing law requires every person operating a barber college to make application to, and obtain approval of, the State Board of Barber Examiners, before changing the location of the college or expanding or increasing the facilities of the college by adding additional barber chairs.

This bill would delete that requirement and instead would require any person operating a barber college to notify the board 30 days prior to the change of location of the college

(7) Existing law requires a person to complete specified training in a barber college within 18 months.

This bill would extend that time to 30 months

(8) Existing law authorizes a cosmetologist to receive a certificate as a barber if he or she meets specified requirements, including, among other things, either (a) having a certificate as a cosmetologist and proof that the applicant has practiced cosmetology for 3 months within the last 2 years prior to filing application for licensure or (b) providing proof of completion of a 1,600-hour course in a cosmetology school within one year prior to filing the application for licensure

This bill would delete the requirement of having practiced cosmetology for at least 3 months within the 2 years prior to applying for licensure and the requirement that the cosmetology course be completed in the year prior to filing the application

(9) Existing law authorizes the State Board of Barber Examiners to issue a citation and assess an administrative fine for specified violations of law The law also provides that the provisions relating to citations and assessment of fines are to be repealed on January 1, 1988.

This bill would provide that the fine, if any, shall attach at the time the citation is written, and would delete the section of existing law which would repeal the provisions on administrative fines on January 1, 1988, thereby continuing those provisions indefinitely

(10) Existing law makes it unlawful for a barber college to render services under the representation that the fee charged is at a discount, or less than that regularly charged, as specified.

This bill would delete that provision

(11) Existing law requires all money received by the State Board of Barber Examiners to be paid to the executive officer who is required to report to the Controller the total amount received by him or her and to deposit the money in the State Treasury The Treasurer is required to deposit the moneys in the State Board of Barber Examiners' Fund

This bill would instead provide that all moneys received by the board shall be paid to the Treasurer for deposit into the State Board of Barber Examiners' Fund

(12) Existing law provides for the issuance of a special certificate in barbering to any person meeting specified qualifications, including, among other things, being certified as mentally retarded, as specified.

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

This bill would delete those provisions.

(13) Existing law requires each licensed cosmetology instructor to complete specified continuing education in the teaching of vocational education, as defined The law exempts from that requirement a cosmetology instructor who teaches cosmetology on the campus of a California Community College

This bill would, in addition, exempt a cosmetology instructor who has obtained a clear vocational education teaching credential, as specified, and would specify the contents of continuing education programs and delete the definition of the term "teaching of vocational education " The bill would also exempt a cosmetology instructor with an inactive license from the continuing education requirement The bill also would specify that nothing in the law governing the licensing of barbers prohibits a barber from providing barber services to a sick, injured, mentally retarded, or incarcerated person, as specified

Ch 542 (AB 146) Elder PERS. member reclassifications: additional service credit

(1) The Public Employees' Retirement Law (PERL) requires that elections by a local member of the Public Employees' Retirement System (PERS), whose position is reclassified from local miscellaneous to local safety, to elect not to change their classification be filed with the Board of Administration of PERS within 90 days of the date of reclassification

This bill would require the filing to be made, instead, within 90 days of notification by the board.

(2) A provision of the PERL which will be repealed on September 29, 1988, and which would apply only to, and at the option of, a county superintendent of schools, authorizes school members who soon retire within a specified period to receive additional service credit of up to 2 years, under specified conditions, if the county superintendent of schools determines that the best interests of the county superintendent of schools would be served thereby and transmits the actuarial equivalent amount of money to the Board of Administration

This bill would extend the operation of that provision until September 29, 1993 This extension would impose state-reimbursable, state-mandated local negotiating costs since the exercise of the continued authorization would be subject to negotiation under existing law relating to local public school employer-employee relations

(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. 543 (AB 250) Hughes AIDS diagnosis disclosure

Under existing law, physicians and surgeons are subject to specified penalties for disclosing test results for antibodies to the probable causative agent of AIDS without the patient's consent.

This bill would specify that a physician and surgeon who has ordered a test to detect antibodies to the probable causative agent of AIDS, and who has the results of the test shall not be held criminally or civilly liable for disclosing to a person believed to be the spouse of a patient that the patient has tested positive on a test to detect antibodies to the probable causative agent of AIDS

The bill would specify that it is permissive on the part of the attending physician and would provide that all requirements and other authorization for the disclosure of test results to detect antibodies to the probable causative agent of AIDS are limited to those contained in specified provisions of law.

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

Ch. 544 (AB 443) Chandler County offices

Existing law permits the board of supervisors by ordinance to consolidate the duties of specified county offices in various combinations.

This bill would permit the supervisors, by the ordinance which consolidates the duties of the offices of the county agricultural commissioner and the county sealer of weights and measures, to provide that the first term only of the newly consolidated office expires when the first of the remaining unexpired terms of the 2 unconsolidated offices would have expired. It would provide that, where a vacancy in either of the unconsolidated offices exists, the term of office of the newly consolidated office shall be the longer of the remaining unexpired terms.

Ch 545 (AB 644) Stirling. Unemployment insurance: exclusion.

Existing law generally defines "employment" for purposes of coverage under the unemployment and disability compensation insurance law as service performed by an employer for wages or under any contract of hire. Existing law expressly excludes various types of employment from coverage under the unemployment and disability compensation insurance law.

This bill would also exclude service performed by a full-time student employed by an organized camp, and would define various terms

Ch. 546 (AB 783) Tucker. Physicians and surgeons.

Existing law requires each applicant for a physician's and surgeon's license to show that he or she has satisfactorily completed one year of postgraduate training in an approved hospital.

This bill would provide that the training shall be for at least one year, shall include at least 4 months of general medicine, and shall be completed in an approved postgraduate training program rather than in an approved hospital, and would specify that the requirements apply to applicants who are foreign medical graduates as well as other applicants These provisions would not apply to applicants who completed their one year of postgraduate training on or before July 1, 1990.

Ch 547 (AB 874) Chandler. Pest control operations.

(1) Under existing law, with a specified exception, all hearings conducted pursuant to laws relating to pest control operations are required to be conducted in accordance with the Administrative Procedure Act (APA).

This bill would specify that the requirement that these hearings be conducted pursuant to the APA refers to hearings conducted by the Director of Food and Agriculture.

(2) Under existing law, a person who is regularly engaged in the business of maintenance gardening and who desires to engage in pest control for hire incidental to that business is required to qualify for an agricultural pest control license in the maintenance gardener category. This category is limited to pest control in ornamental and turf plantings surrounding structures and commercial parks

This bill would expand this category to include ornamental and turf plantings located indoors.

Ch 548 (AB 891) Bane. Unemployment.

Existing law defines the term "employing unit" for purposes of unemployment compensation benefits and disability insurance benefits

This bill would provide that a new employing unit shall not be created when there is an acquisition or change in the form or organization of an existing business enterprise and there is a continuity of control of the business enterprise This bill would specify that if 2 or more entities are united by the factors of ownership, operation, and use, the Director of Employment Development may deem these entities to be one employing unit It would also specify factors and conditions pursuant to which ownership, operation, and control of 2 entities shall be deemed united, and would make related changes with respect to changes in the contribution rate of an employer

---

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

Ch. 549 (AB 913) Hughes. Education: student health.

Existing law does not specifically require the State Department of Education to encourage and assist school districts to improve and monitor the health of their pupils.

This bill would require the department to do so It would require the department to provide guidance and to assist school districts to secure the voluntary assistance of, local health professionals, schools of medicine, schools of public health, schools of nursing, voluntary health agencies, and other appropriate entities in order to provide pupil health screening and appropriate medical referrals as well as to provide valuable health information to pupils and their parents It would require the department to encourage school districts to contact and cooperate with maternal, child, and adolescent health boards and child health and disability prevention programs and to provide information and guidance, upon request, to school districts to establish "Health Days" in order to provide screenings for common health problems among pupils as well as to provide specified information to pupils and parents It would also require that all medical screenings and services conducted pursuant to this bill be conducted in accordance with prescribed statutory provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 550 (AB 1305) Cortese Health insurance. mammography.

Existing law does not mandate mammography coverage, as specified, with respect to group health care service plans, policies of disability insurance, self-insured employee welfare benefit plans, nonprofit hospital service contracts, and Medi-Cal coverage

This bill would, on and after January 1, 1988, impose that requirement as part of existing mastectomy, prosthetic, and reconstructive coverage, and under Medi-Cal, as specified.

Ch. 551 (AB 1442) Wright. Small business: state agency regulations: reports

Existing law requires that a state agency include specified information in its notice of proposed action regarding a regulation if the proposed regulation may have a significant adverse economic impact on small businesses.

This bill would provide that an administrative regulation adopted on or after January 1, 1988, which requires a business to make a report would not apply to small businesses unless the agency makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation so apply.

Ch. 552 (AB 1607) Katz. Vehicles: sun screening devices.

Existing law permits sun screening devices to be installed on side windows on either side of a vehicle's front seat if a licensed physician and surgeon certifies that a medical condition requires sun shading.

The bill would also permit licensed optometrists to certify that visual conditions require sun screening devices

Ch 553 (AB 1996) McClintock. Horseracing: Arabian horses.

Under existing law, with specified exceptions, the maximum number of racing days which may be allocated by the California Horse Racing Board to the California Exposition and State Fair or a county or district agricultural association fair is 14 days per year

This bill would authorize the board to allocate a maximum of 20 weeks per year of Arabian racing at these locations.

Ch. 554 (AB 2156) Clute Vehicles. disabled veterans.

Existing law, for parking purposes, defines a disabled veteran, among other things, as a person who has lost, or has lost use of, two or more limbs or an eye and any limb as a result of injury or disease while in active military service.

This bill would redefine that term to mean a person who has lost, or has lost use of, one or more limbs as a result of injury or disease while in active military service.

Ch 555 (AB 213) Calderon Insurance· applications for policies to supplement Medicare.

Existing law does not set limits on the fees which the insurer may require with an

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

application for an insurance policy to supplement Medicare or an insurance policy covering long-term care. Existing law does not require the insurer to pay interest on the applicant's funds held by the insurer prior to the insurer accepting or rejecting an application for any of those insurance policies.

This bill would prohibit the insurer from requiring an amount greater than one month's premium if interim coverage is not provided, and from requiring an amount greater than 2 months' premium if interim coverage is provided, to be submitted with an application for an insurance policy to supplement Medicare or for an insurance policy covering long-term care, as defined. The bill would prohibit the collection of further premiums until the policy is delivered to the applicant.

The bill would require the insurer or insurer's authorized representative or producer to notify the applicant within 45 days from the date the insurer or insurer's authorized representative or producer receives the application and the amount as to whether or not the applicant will be issued the policy of insurance The bill would require the insurer or insurer's authorized representative or producer to pay to the applicant interest on the funds, as prescribed, if the applicant is not so notified

Ch. 556 (AB 320) Moore. *Emergency telephone systems.*

(1) Existing provisions of the Warren-911-Emergency Assistance Act require the establishment of an operational basic local emergency telephone system by every local public agency by December 31, 1985 This act requires the Communications Division of the Department of General Services to coordinate and oversee the implementation of these emergency telephone systems and to provide technical and operational standards for the development of these systems

This bill would require any telephone corporation serving rural telephone areas which cannot currently provide enhanced service capable of selective routing, automatic number identification, or automatic location identification, to present to the communications division a comprehensive plan for conversion of facilities to compatibility with the enhanced system The bill would require the communications division to not delay in implementing the enhanced system in those portions of cities or counties, or both, served by a telephone corporation that has equipment compatible with the enhanced system

(2) Under the Emergency Telephone Users Surcharge Act, a surcharge is imposed on amounts paid by every person in this state for intrastate telephone communication services at a rate fixed by the State Board of Equalization, subject to prescribed limitations Under that act, every service supplier is required to collect the surcharge from each service user at the time it collects its billings from the service user That act defines a "service supplier" as any person supplying intrastate telephone services pursuant to intrastate tariffs

This bill would include, within the definition of "service supplier" for purposes of that act, any person supplying intrastate telephone services on or after January 1, 1988, for whom the Public Utilities Commission modifies or eliminates the requirement for that person to prepare and file intrastate tariffs.

Ch. 557 (AB 483) Connelly Attorneys: malpractice insurance

Existing law does not require the Board of Governors of the State Bar to conduct a survey of the membership of the bar on matters relating to legal malpractice insurance

This bill would require the board to conduct that survey, would require the members to complete the survey, and would require the board to report on the results of the survey on or before December 15, 1987.

The bill would authorize a $1 increase in the annual membership fee for the 1988–89 fiscal year, to be applied to costs involved in the survey

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 558 (AB 614) Wyman Respite care

Existing law requires the Director of Health Services to administer a 3-year demonstration program to provide respite care for frail elderly persons, functionally impaired adults, and mentally disordered persons in not more than 6 specified licensed health

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

facilities.

This bill would include respite care for functionally impaired persons, rather than functionally impaired adults, and developmentally disabled persons, within the demonstration program This bill would require that the respite care be provided in not more than 9 of the specified licensed health facilities The bill in addition requires that regulations be responsive to the special needs of the age group being served.

Ch. 559 (AB 666) Johnson Courthouses: Orange County

Under existing law, all rights, title, and interest in the old courthouse in Santa Ana, as specified, vested in the state on January 1, 1984, and is to be held by the state so long as the property is used to house a division of the court of appeal which holds its sessions in Orange County. Existing law also prohibits sessions of the Orange County superior or municipal courts from being held in that courthouse.

This bill would repeal these provisions, and declare the intent of the Legislature with regard thereto.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 560 (AB 721) Chandler. California water districts. collector's deeds.

(1) Under the California Water District Law, if property sold to the district for delinquent assessments has not been redeemed within 3 years, the district tax collector is required, upon demand, to deliver a collector's deed to the property to the district

This bill would require the collector, after receiving a demand for a collector's deed, to publish, as prescribed, a specified notice The bill would require the collector to send by certified mail to each of the parties of interest, as specified, a copy of the notice. The bill would thereby impose a state-mandated local program The bill would provide for specified costs thereby incurred to be added to the costs of redemption.

The bill would also require specified additional information to be included in the notice published after the assessments become delinquent, and would prescribe related matters.

The bill would cancel any collector's deed delivered to the district prior to the operative date of the bill if the affected property has not been sold and conveyed by the district, and would make that property subject to redemption until a new collector's deed has been executed and delivered to the district in accordance with 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 provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 561 (AB 804) Leslie Health: license fees

Under existing law, license fees for referral agencies, adult day health care, and home health agencies are adjusted annually on January 1, and the State Department of Health Services is required to publish by that date, the adjusted fee charges.

This bill would require the fees for these licenses to be adjusted annually, commencing July 1, 1988, and the department to publish by that date, the adjusted fee charges.

Ch. 562 (AB 843) Frizzelle. Public Employees' Retirement System: contracting agencies.

The Public Employees' Retirement Law (PERL) authorizes certain credit unions whose membership is generally limited to members or retired members of PERS or STRS to become a contracting agency with PERS.

This bill would prohibit these credit unions from becoming a contracting agency with PERS after January 1, 1988.

The PERL provides that when a law provides contracting agencies with an election but provides no other means of making the election, the election may be made by amendment to its contract, which amendment shall specify the date upon which the agency and its employees shall become subject to that law.

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

This bill would specify that the date as specified shall not be earlier than the first day following the approval by the contracting agency of the contract, except that if the employers' contribution rate changes, the date as specified shall not be earlier than the first day of the pay period following the approval

The PERL makes various provisions for the cessation or merger of contracting agencies.

This bill would revise and clarify those provisions.

Ch. 563 (AB 845) Areias. Vehicles identification.

(1) Existing law requires trucks and truck tractors having 3 or more axles and truck tractors with a semitrailer to display company names and trademarks on both sides of each vehicle or on one of the vehicles in each combination of vehicles

This bill would prohibit operating specified vehicles, trucks, truck tractors, and semitrailers on the highways without changing company identifiers within 60 days of the change of company ownership or operation, thereby imposing state-mandated costs 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. 564 (AB 876) Johnson Escrow agents.

(1) Existing law prohibits a person from issuing, circulating, or publishing any advertisement indicating that the person is in the escrow business, unless the person is a licensed escrow agent.

This bill would authorize the Commissioner of Corporations to issue a desist and refrain order for a violation, as specified.

(2) Existing law provides that the business accounts and records of any escrow agent are subject to inspection by the commissioner

This bill would specifically require escrow agents, upon request, to exhibit and allow inspection and copying of books and records

(3) Existing law enumerates certain acts which constitute felonies under the Escrow Law

This bill would substantially recast that provision, specifying it is a violation rather than a felony to commit certain acts, thus making the acts punishable as either felonies or misdemeanors. The bill would delete a prohibition against having custody or control of the escrow agent's books and willfully refusing or neglecting to make proper entrys or to allow the books to be inspected, as specified The bill would include as violations the knowing or reckless disbursal of escrow funds otherwise than in accordance with escrow instructions or participation in acts constituting theft or fraud in connection with an escrow, and the making of material misstatements or omissions of material facts in connection with escrow affairs, as specified

(4) Existing law provides that a desist and refrain order issued against an unlicensed escrow agent shall be automatically rescinded if a hearing is not held within 60 days after a request for hearing is made.

This bill would require a request for hearing to be made within 30 days after the order is served

(5) Existing law authorizes the commissioner to censure, suspend or bar certain persons from employment or management of escrow agents if they have committed willful violations which have caused material damage to the escrow agent.

This bill would instead apply those sanctions to persons who have caused such violations in addition to those who have actually committed the violations, when the violation was known or should have been known by the person committing or causing it, or the violation has caused material damage to either the escrow agent or the public

---

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

Ch 565 (AB 2158) Condit. Air pollution. waste products: emissions offset.

(1) Existing law requires an air pollution control district or air quality management district to give any person who burns an agricultural waste product, forest waste product, or similar organic waste in a steam generator or to produce electrical energy a specified emissions offset credit because the agricultural waste product, forest waste product, or similar organic waste is not disposed of by open field burning or forest land burning.

This bill would require a district to give a similar emissions offset credit to a person who uses an agricultural waste product, forest waste product, or similar organic waste as a digester feedstock in a cogeneration facility and would require, by July 1, 1988, and once every 2 years thereafter, the reevaluation of the procedure for emissions offset credit, 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 566 (AB 2320) Filante Courts. Marin County

(1) Existing law provides for the number, compensation, and classification of municipal court personnel for the Central Judicial District of Marin County

This bill would change the name of the Central Judicial District of Marin County to the Judicial District of Marin County, and revise the number, compensation, and classification of the municipal court personnel, 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.

Ch 567 (AB 2329) Filante Health· emergency medical services

Under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, local emergency medical services agencies are required to have a licensed physician and surgeon as medical director, to provide medical control and to assure medical accountability throughout the planning, implementation, and evaluation of the local emergency medical services system

This bill would permit the medical director to appoint one or more physicians and surgeons as assistant medical directors to assist the medical director with the discharge of the duties of medical director or to assume those duties during any time that the medical director is unable to carry out those duties as the medical director deems necessary

This bill would also permit the medical director to assign to any local emergency medical services agency administrative staff, for completion under the supervision of the medical director, any administrative function of his or her duties which do not require his or her professional judgment as medical director

Ch 568 (AB 2382) Eaves Democratic county central committee.

Existing law provides that in a county of the 7th class, the Democratic county central committee shall consist of 7 members elected from each Assembly district wholly or partially within the county

This bill would repeal this provision

This bill would provide that in a county of the 5th class, the elected members of the Democratic county central committee shall consist of 6 members elected from each Assembly district wholly or partially within the county.

Ch. 569 (AB 2391) Clute Aeronautics Account appropriation

This bill would appropriate $8,466 from the Aeronautics Account in the State Trans-

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

portation Fund to the Director of Transportation for allocation to the operators of the Thermal Airport, the Chiriaco Summit Airport, and the Desert Center Airport in specified amounts for airport and aviation purposes.

The bill would also state the intent of the Legislature in enacting the bill.

Ch 570 (AB 2414) 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, a person who is eligible for Medi-Cal benefits may receive certain services relating to pregnancy

This bill would specify that a woman is eligible, as though she were pregnant, for all pregnancy-related and postpartum services, as defined, for a period of 60 days following pregnancy, to the extent required by federal law

Ch. 571 (AB 2444) Eastin Architectural corporations

Existing law requires architectural corporations to apply to, and obtain a license from, the State Board of Architectural Examiners as a condition of engaging in the practice of architecture as a professional corporation.

This bill would delete the requirement that an architectural corporation obtain a license from the board and would make related changes The bill would make it unprofessional conduct and a cause for disciplinary action for any licensed architect to violate the Moscone-Knox Professional Corporation Act or other specified laws and regulations relating to professional corporations.

Ch. 572 (AB 2528) Jones. Motor vehicle removal of abandoned vehicles from private property.

(1) Under existing law, a towing company may only charge $20 if the owner of a vehicle or the owner's agent returns to the vehicle before it is removed from the property. A towing or storage charge is excessive if it is more than what would be charged a law enforcement agency by agreement

This bill would impose a state-mandated local program by changing the definition of a crime by prohibiting a towing company from charging more than 1/2 of its regular towing fee if the owner or the owner's agent returns to the vehicle before it is removed. The bill would authorize a regular towing charge to be imposed only if the vehicle has in fact been removed from the property and is in transit, and a towing or storage charge would be excessive if it is more than what would be charged a law enforcement agency under an agreement between the law enforcement agency and the towing company in the city or county in which is located the property from which the vehicle was removed

The bill would require a storage facility to charge only one day's storage, if a request for release of the vehicle is made within 8 hours from the time the vehicle was brought to the facility, regardless of the calendar date, and would prohibit more than one day's storage charges for any vehicle released the same day that it is stored

(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. 573 (AB 2568) Polanco. The California State Police. training

Under existing law, examinations for state police officers of the California State Police are required to demonstrate the physical ability of the officer to effectively carry out the duties and responsibilities of the position in a manner which would not inordinately endanger the health and safety of any officer or the health and safety of others

This bill would require every officer to also satisfactorily complete the basic course as set forth in the Commission on Peace Officer Standards and Training prior to being deputized.

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

Ch 574 (AB 5) Duplissea Blue Ribbon Biotechnology Curriculum Advisory Committee

Existing law does not provide for a Blue Ribbon Biotechnology Curriculum Advisory Committee.

The bill would require the Superintendent of Public Instruction to establish a Blue Ribbon Biotechnology Curriculum Advisory Committee, comprised of at least 10 members representing specified groups, to advise the State Department of Education with regard to a high school biology curriculum component This bill also would express the intent of the Legislature that the committee advise the Superintendent of Public Instruction on the appropriateness of, feasibility of, and procedures and resources necessary to develop a high school biology curriculum component, as specified.

The bill would require the committee to report to the Superintendent of Public Instruction, on or before May 1, 1988, its findings and recommendations regarding whether the State Department of Education and the State Board of Education should incorporate a high school biology curriculum component in the forthcoming science curriculum frameworks, as described. If that recommendation is positive, the bill would require the committee to report its findings and recommendations regarding the procedures and resources necessary to accomplish that purpose, including specified plans

Ch 575 (AB 632) Stirling Prisoners. Prisoner Literacy Act.

Existing law authorizes the Department of Corrections to reduce the term of imprisonment of prisoners sentenced to the state prison for crimes committed prior to January 1, 1983, on the basis of credits earned for good behavior and participation. Prisoners serving sentences for crimes committed after that date may have their sentences reduced for performance in work, training, or education programs established by the department, as prescribed.

This bill would require the Department of Corrections to determine the reading level of each prisoner upon commitment, and to report to the Legislature on or before July 1, 1988, regarding specified information related to the number of prisoners enrolled in reading programs, the recidivism rates of prisoners based upon their reading levels, and various cost and time estimates by the department for the implementation of a reading program on a systemwide basis.

Ch. 576 (AB 1132) Johnson Pawnbrokers· rates and charges

Existing law limits the charges which a pawnbroker may receive for a loan, except for any loan of a bona fide principal amount of $10,000 or more. to be determined as prescribed

This bill would, instead, exempt the limitations with respect to rates and charges set forth in designated provisions for any loan of $2,500 or more, and delete obsolete references. The bill would permit a pawnbroker to collect handling and storage charges for each article pawned in accordance with an enumerated schedule and to collect a $4 processing charge for each firearm pawned

Ch 577 (AB 2282) Friedman Dismissal of criminal cases

Under existing law, a court is required, unless good cause to the contrary is shown, to order a criminal action dismissed in certain cases, including, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he or she is arraigned if the defendant is in custody at the time of arraignment, or in all other cases, within 45 days after the defendant's arraignment

This bill would recast this provision to require dismissal in the described misdemeanor cases if the defendant is not brought to trial within 30 days after he or she is arraigned or enters his or her plea, whichever occurs later, when the defendant is in custody at the time of the arraignment or plea, or in all other cases within 45 days after the defendant's arraignment or entry of plea, whichever occurs later.

Ch 578 (AB 2316) N. Waters Prisons

Existing law authorizes the Department of Corrections to construct a prison in Amador County in the vicinity of Ione Existing law authorizes the Department of Correc-

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

tions to transfer from any funds available to the department the sum of $40,000 for specified law enforcement purposes regarding the construction of a prison in Amador County, including, among other things, for the salaries of up to 2 police officers for up to 2 years for the City of Ione in an amount not to exceed $30,000.

This bill would increase the amount of these funds to $70,000, and would authorize these funds to be used for the salaries of up to 2 police officers for up to 2 years for the City of Ione, in an amount not to exceed $30,000 per year, thereby making an appropriation.

Ch. 579 (SB 345) Deddeh Governing board members compensation· school districts, county boards of education, and community college districts

Existing law authorizes any member of a city board of education, governing board of a school district, or county board of education who does not attend all meetings held in any month to receive, as compensation for his or her services, an amount not greater than the maximum allowed per month divided by the number of meetings held and multiplied by the number of meetings actually attended Existing law authorizes a member to be paid for any meeting when absent if the board by resolution finds, as specified, that at the time of the meeting he or she is performing services outside the meeting for the school district or districts or on behalf of the county board of education

Existing law also authorizes any member of a governing board of a community college district who does not attend all meetings held in any month to receive, as compensation for his or her services, an amount not greater than a pro rata share of the number of meetings actually attended based upon the maximum compensation authorized. Existing law authorizes a member to be paid for any meeting when absent if the board by resolution finds, as specified, that at the time of the meeting he or she is performing services outside the meeting for the community college district.

This bill would authorize a member of a city board of education, governing board of a school district, county board of education, or governing board of a community college district to be paid in any calendar year for the first 2 meetings from which he or she is absent if the board by resolution finds that at the time of the meeting from which the member is absent he or she is ill. This bill would specify that a member may not receive compensation for any meeting from which he or she is absent in excess of the first 2 meetings missed, except as specified

Ch. 580 (SB 713) Lockyer. Hostages.

Under existing law, it is either a misdemeanor or felony for a person to commit the offense of false imprisonment.

This bill would make it a felony, punishable by imprisonment in the state prison for 3, 5, or 8 years, for a person to commit the offense of false imprisonment against a person for purposes of protection from arrest, which substantially increases the risk of harm to the victim, or for purposes of using the person as a shield.

The bill would thus 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. 581 (SB 718) Rosenthal. Insurance for-hire vessels commercial air operators.

Existing law provides that any for-hire vessel operator or commercial air operator who knowingly refuses or fails to procure the required protection against liability within a specified time is guilty of a misdemeanor. Evidence of this protection is required to be filed with the Public Utilities Commission.

This bill would delete the obsolete specified time period for procuring protection against liability and would authorize the commission, following an administrative hearing, to impose a penalty of up to $1,000 upon a for-hire vessel operator or commercial air operator who fails to file the evidence of this protection with the commission.

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

Ch. 582 (SB 742) L. Greene. Land surveyors

Existing law providing for the licensure and regulation of land surveyors in this state is entitled the Land Surveyors' Act

This bill would change the name of that act to the Professional Land Surveyors' Act. The bill also would make related changes.

This bill would state that it is the intent of the Legislature that the changes proposed by this bill shall not change the scope of practice of registered civil engineers or licensed land surveyors from that provided under current law.

Ch. 583 (SB 764) Russell. Alcoholic beverages

Existing law makes it a misdemeanor for any person under the age of 21 years to purchase alcoholic beverages

This bill would make the attempt to purchase alcoholic beverages by any person under the age of 21 years an infraction, punishable by a specified fine, and a second or subsequent violation punishable by a specified fine or community service or both fine and community service.

This bill would impose a state-mandated local program by adding 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. 584 (SB 811) Maddy. Cardiac catheterization services

Existing law permits the Office of Statewide Health Planning and Development to establish and administer a pilot program to test the safety and cost effectiveness of performing cardiac catheterization in freestanding cardiac catheterization laboratories.

Under existing law, the provisions relating to this program would be repealed on January 1, 1989.

This bill would extend the duration of these provisions until January 1, 1991

Existing law requires the office to submit a report to the Legislature, by July 1, 1988, on the progress of this pilot program.

This bill would, instead, require this report to be submitted by July 1, 1990.

Ch. 585 (SB 918) Morgan State facilities: rug report

Existing law prohibits funds from being used directly, or indirectly by supplementing any other appropriation, to purchase rugs or carpets for any state office, with exceptions. Existing law requires the Director of General Services to furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities.

This bill would delete that report requirement.

Ch. 586 (SB 939) Dills. School finance

(1) Existing law contains no specific authority for the establishment of any fund for the separate administration of moneys relating to retiree benefits of public educational employees.

This bill would specifically authorize county superintendents of schools and the governing boards of school districts and community college districts to each establish a retiree's benefits fund for this purpose, as specified.

(2) Existing law establishes a cafeteria fund for the deposit of money received from the sale of food or for any services performed by the cafeteria, and authorizes the school district governing board to make expenditures from that fund as necessary for the operation of school cafeterias

This bill would specifically authorize school district governing boards to make expenditures from the cafeteria fund for computer equipment and related software necessary for the operation of school cafeterias. If the school district has an average daily attendance of over 100,000, its governing board would be authorized to expend from the cafeteria fund or account a share of money agreed to, which is generated from the joint

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

sale of items between the cafeteria and an associated student body student store, as provided.

This bill would also authorize cafeteria revolving accounts, as specified.

(3) Existing law authorizes school district governing boards to pay wages, salaries, and benefits to food service employees from the general fund of the school district, and to reimburse the general fund from the cafeteria fund or account, as specified

This bill would authorize governing boards to alternatively pay those costs, at their discretion and upon the approval of the county superintendent of schools who is responsible for a countywide payroll/retirement system, directly from the cafeteria fund of the district.

(4) Existing law authorizes the governing board of a school district to cause money to be transferred temporarily from any fund or account to another fund of the district to be used for the payment of obligations of the district. Existing law limits the occurrence of that type of transfer to twice within a fiscal year from the same fund or account and only when the district will receive income sufficient to repay the amount transferred

This bill, instead, would authorize the governing board to cause money to be transferred temporarily from any fund or account to another fund or account of the district, to be accounted for as temporary borrowing. The bill would provide that borrowing shall occur only when the fund or account receiving the money will earn sufficient income, during the fiscal year, to repay the amount transferred.

(5) Existing law sets forth certain procedures for the payment of employee salaries for school districts and community college districts.

This bill would specify that a payroll clearance fund, in order to consolidate payroll accounting for one or more school district or community college district employees whose salary is paid from one or more funds, may be established by the school district or community college district, as appropriate, or, as specified, by the county superintendent of schools.

Ch 587 (SB 940) Seymour. Real estate.

Existing law specifies the punishment for conviction of the offense of acting as a real estate broker or salesperson or advertising as a real estate broker without being licensed

This bill would increase the fine for that offense from $1,000 to $10,000 or $50,000 if the violation is committed by a corporation.

Existing law provides that it is a misdemeanor for any person to violate the Real Estate Law or rules and regulations of the Real Estate Commissioner.

This bill would revise that provision to provide that any person who violates the Real Estate Law shall be punished by a fine not exceeding $10,000 or imprisonment in the county jail for not more than 6 months or by a fine and imprisonment

Ch. 588 (SB 941) Seymour. Real estate licenses

Existing law authorizes the Real Estate Commissioner to suspend or revoke the real estate license of any licensee, or to deny a license to an applicant, who commits specified prohibited acts

This bill would, in addition, authorize, under prescribed conditions, the suspension or revocation or denial of that license if that person has either had a license denied or a license issued by another agency of this state, another state, or the federal government, revoked or suspended for acts which, if done by a real estate licensee would be grounds for the suspension or revocation of a real estate license.

Ch. 589 (SB 945) Seymour. Architecture.

(1) Existing law requires every city or county that requires a building permit as a condition for construction or alteration of any building or structure to also require a signed statement that the person who prepared the plans and specifications for that construction or alteration is licensed under provisions of law regulating the practice of architecture or is otherwise licensed to prepare the plans and specifications. The law provides that it is the responsibility of the local agency to determine that the person signing the statement is qualified under those provisions to prepare the plans and

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

specifications.

This bill would provide that it is the responsibility of the local agency to determine that the person is a licensed architect or is otherwise licensed to prepare the plans and specifications rather than determining that the person is qualified to prepare the plans.

(2) 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 also provides that if any portion of any exempted structure, as specified, deviates from conventional framing requirements for woodframe construction found in the most recent edition of the Uniform Building Code or tables of limitation for woodframe construction, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the direct supervision of, a licensed architect or registered engineer

This bill would change the reference from the Uniform Building Code to Title 24 of the California Administrative Code (the State Building Code), and would provide that if the structure deviates from substantial compliance with conventional framing requirements, as specified, the building official shall require the plans to be prepared and supervised, as specified. This bill would also set forth a statement of legislative intent regarding the term "substantial compliance." The bill would make conforming changes to an exemption in provisions of law regulating the practice of engineering which reads the same as the above exemption relating to architecture.

Ch 590 (SB 948) Mello. Courts: Monterey County

(1) Existing law provides for the number and compensation of municipal court personnel in Monterey County.

This bill would revise the number and compensation of municipal court personnel in Monterey County, 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.

Ch 591 (SB 1049) Dills. Employment: personal service contracts.

Existing law provides that a contract to render personal service may not be enforced against the employee beyond 7 years from the commencement of service under the contract

This bill would, in addition, provide that any employee who is a party to a contract to render personal service in the production of phonorecords in which sounds are first fixed may not invoke the above provisions without first giving written notice to the employer pursuant to provisions specifying that the employee will no longer render service under the contract by reason of the above provisions The bill would also specify the rights of the parties to recover damages for certain breaches of the contract.

Ch. 592 (SB 1072) Bergeson. Air pollution leaded gasoline dispensing nozzles.

(1) Existing law requires vapor control systems for the control of gasoline vapors resulting from motor vehicle fueling operations to be certified by the State Air Resources Board, the State Fire Marshal, the Division of Measurement Standards, and the Division of Industrial Safety.

This bill would prohibit any retailer, as defined, from allowing the operation of any pump dispensing leaded gasoline, as defined, that is not equipped with a nozzle spout meeting the specifications contained in designated federal regulations. Under other provisions, a violation of this requirement would be a crime, thereby imposing a state-mandated local program

The bill would also make a technical correction.

(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

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

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

Ch. 593 (SB 1091) Campbell Public works contracts

Existing law requires a local government entity to pay interest in the amount of 7% per annum on any valid claim submitted by a public works contractor if the claim is not paid within 60 days after the proper submission of the claim.

This bill would apply this requirement to state public works contracts

Ch. 594 (AB 101) Chacon. Education task force on intersegmental policy low-income and minority students: college preparedness.

Pursuant to legislative resolution, an intersegmental policy task force was convened to adopt a plan and to make recommendations to strengthen the college preparation of low-income and underrepresented ethnic minority high school students The task force has submitted its recommendations to the Legislature.

This bill would require that the State Department of Education, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and would request that the Regents of the University of California, report by June 30, 1988, as specified, regarding implementation of the task force's recommendations.

Ch 595 (AB 222) Tanner South Coast Air Quality Management District· sensitive zones

(1) The existing Lewis Air Quality Management Act requires the South Coast Air Quality Management District to carry out powers and duties relating to air pollution control in the South Coast Air Basin.

This bill would make legislative findings and declarations concerning critical air pollution problems in the foothill communities of the San Gabriel/Pomona Valleys and the Riverside/San Bernardino areas, which would be designated a sensitive zone for purposes of the bill, and the necessity of the basinwide air quality management plan to consider the specific air pollution problems of regions within the air basin in planning for facilities which create new sources of emissions

The bill would require, for the issuance of a permit by the south coast district board for the construction or operation of a stationary source within the sensitive zone, that emission offsets be secured by the applicant so as to bring about, and that any emissions reductions acquired from stationary sources operating within the air basin will result in, ambient air quality improvement within the sensitive zone and by requiring the south coast district board to make a finding and determination that the impacts of the stationary source can be mitigated so as to result in a net improvement in ambient air quality within the sensitive zone, and would specify that these requirements shall not apply until the south coast district board has adopted rules and regulations to implement these requirements.

The bill would also impose a state-mandated local program by requiring the south coast district to include, in its plan to achieve and maintain the state and federal ambient air quality standards for the air basin, provisions to ensure that future growth and development within the sensitive zone, as well as the air basin are consistent with achieving and maintaining air quality standards.

(2) This bill would make additional changes in Section 40462 of the Health and Safety Code to be operative only if this bill and SB 151 are both enacted and amend that section and this bill is chaptered after SB 151.

(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 596 (AB 279) Frazee. Common interest developments.

Existing law limits the assessment increases that may be imposed by the board of directors of a homeowner's association for a common interest development by generally

---

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

limiting an increase in the regular assessment to 10% per year and by limiting special assessments to 5% of the budgeted gross expenses, without the approval of owners casting a majority of votes at a meeting or election, as specified. However, as exceptions to that limitation, existing law provides that the limit does not apply to increases for the purpose of the maintenance or repair of common areas or for emergency situations.

This bill would, instead, limit the percentage increase in regular assessments to 20% and would also provide that the regular and special assessment limits may not be exceeded without the approval of owners constituting a quorum, as defined The bill would also define the emergency situations for which those limitations may be exceeded.

Existing law requires a common interest subdivision association to levy assessments sufficient to perform its obligations unless otherwise provided in the governing declaration of the association. Existing law limits assessment increases by the association and those limits are in addition to limitations in the governing declaration.

This bill, with respect to the duty to levy assessments, would eliminate the provision that made that duty subject to any other provision of the declaration, and with respect to the limitation on assessment increases, would make those limitations applicable notwithstanding any more restrictive limitations in the governing documents.

Existing law authorizes a common interest subdivision association to charge a fee for providing copies of certain documents in connection with a transfer of title of a separate interest.

This bill would provide that an association shall not impose or collect any assessment, penalty, or fee in connection with a transfer of title except the association's actual costs to change its records and the fee for providing documents.

Ch 597 (AB 295) Tucker. Replica of a firearm.

(1) Existing law provides that a person who brandishes a firearm in the presence of a peace officer, as defined, is guilty of a felony, punishable by imprisonment in the county jail or in the state prison.

This bill would make it a misdemeanor for a person to draw or exhibit a replica of a firearm, as defined, in a threatening manner against another person in such a way as to cause a reasonable person apprehension or fear of bodily harm. Thus the 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 a specified reason

Ch. 598 (AB 370) Farr. Financing of public educational facilities. school districts and community college districts.

Existing law, known as the California School Finance Authority Act, establishes the California School Finance Authority and authorizes it to issue for sale and have outstanding revenue bonds in a total amount not to exceed $250,000,000, to reconstruct, remodel, or replace existing school buildings, to acquire new schoolsites, equipment, 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. Existing law prescribes the powers and duties of the authority.

The California School Finance Authority Fund is established under existing law to be administered by the authority, and all moneys in that fund are continuously appropriated without regard to fiscal year for the purposes of the California School Finance Authority Act.

This bill would include community college districts within these provisions. It would also amend the act to increase the total revenue bond authorization to $400,000,000, and to authorize financing or refinancing by means other than revenue bonds, including certificates of participation, as defined, or other interests, in bonds, loans, leases, installment sales, or other agreements between the authority and the participating district.

The bill would authorize a school district or districts to designate a county or city board of education or superintendent of schools to act as the agent of the district or districts

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

for purposes of the California School Finance Authority Act. The bill would also authorize a community college district or districts to designate the Chancellor or Board of Governors of the California Community Colleges to act as the agent of the district or districts for these purposes.

Any moneys accruing to the authority pursuant to the provisions of the bill would mandatorily be deposited in the continuously appropriated California School Finance Authority Fund, and the bill would therefore make an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 599 (AB 413) Wright. Grand theft.

Existing law defines grand theft to include, among other things, theft of avocados or citrus fruits with a value exceeding $100.

This bill would provide that for the purposes of establishing that the value of avocados or citrus fruit exceeds $100, that value may be shown by the presentation of credible evidence which establishes that on the day of the theft, avocados or citrus fruit of the same variety and weight exceeded $100 in wholesale value.

Ch. 600 (AB 498) Speier. Vehicles for the disabled. public sidewalks.

Existing law generally prohibits the operation of motor vehicles on public sidewalks except to enter or exit adjacent property. Existing law excepts the operation of electric carts on public sidewalks by physically disabled persons, persons over 50 years of age, and specified public employees, if a city or county authorizes that operation by ordinance

This bill would make the ordinance inapplicable to the operation by disabled persons of self-propelled wheelchairs, invalid tricycles, and motorized quadricycles and would authorize those vehicles to be operated on public sidewalks. The bill would make conforming changes.

Ch. 601 (AB 960) Hughes. Additional 2 years' STRS service credit: suspension and extension

Existing provisions of the State Teachers' Retirement Law generally limit receipt of service credit to time actually served in the performance of duties but permit members of the State Teachers' Retirement System to receive an additional 2 years of service credit, under specified conditions, if the employer, by formal action, makes specified determinations and transmits the actuarial equivalent amount of money and the system's related administrative costs to the State Teachers' Retirement System. These provisions become inoperative on July 1, 1987, and are repealed as of January 1, 1988.

This bill would add to the specified conditions a condition that the employers consider the availability of teachers to fill the positions hereunder vacated. The bill would also extend the repeal date to January 1, 1991, and would provide for a new inoperative date of July 1, 1990, with the result that these provisions will be inoperative from July 1, 1987, to December 31, 1987, and will be operative from January 1, 1988, until July 1, 1990 This continuation of that authorization would impose state-mandated 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 602 (AB 1006) Tanner. Air pollution emissions. reductions: schedule of compliance.

(1) Under existing law, any regulation of an air pollution control district or air quality

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

management district requiring a reduction in emissions from a source for which an authority to construct has been issued prior to the date of adoption of the regulation is generally not required to comply with the regulation until 5 years after issuance of the permit to operate the article, machine, equipment, or contrivance. Existing law specifies a procedure by which a substance is determined by the State Air Resources Board to be a toxic air contaminant.

This bill would revise these provisions to instead require any article, machine, equipment, or contrivance for which an authority to construct was issued between January 1, 1981, and December 31, 1987, to comply with a district regulation requiring a reduction in emissions from that article, machine, equipment, or contrivance 5 years after issuance of the permit to operate if the regulation was adopted after issuance of the authority to construct. If the district or a portion of the district is designated by the state board as a nonattainment area, the district would be authorized to require compliance within this 5-year period if it determines that compliance is necessary to demonstrate reasonable progress toward attainment and makes specified additional determinations on a case-by-case basis.

This bill would, notwithstanding these provisions, require any article, machine, equipment, or contrivance which may emit a toxic air contaminant to comply with any regulation of the state board or district requiring a reduction in those emissions pursuant to a reasonable schedule of compliance.

The bill would also require any article, machine, equipment, or contrivance in a nonattainment area for any national ambient air quality standard, and for which an authority to construct was issued on or after January 1, 1988, to comply with any district regulation adopted after December 31, 1982, requiring reduction in emissions of any air pollutant, or precursor of an air pollutant, that interferes with the attainment of that standard pursuant to a reasonable schedule of compliance.

By imposing additional duties on the districts, the bill would impose a state-mandated local program. Under other provisions, a violation of these requirements would be a crime, thereby imposing an additional 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

Ch. 603 (AB 1023) Costa. Transit.

(1) Existing law authorizes the Department of Transportation to contract with common carriers to provide feeder bus services to or from railroad passenger terminals or intercity bus transportation.

This bill would require the department, in conjunction with the Department of Corrections, to evaluate the addition of stations or stops on existing bus and rail routes which improve transportation access for visitors to prisons.

(2) Existing law specifies the types of transit capital improvement projects eligible for funding from the Transportation Planning and Development Account in the State Transportation Fund

This bill would require that motor vehicle fuel and license taxes available, as specified, for exclusive public mass transit guideways, be used for guideway purposes. The bill would also require the department and the California Transportation Commission to give reasonable priority to allocations for transit capital improvement projects relating to intermodal facilities to station projects which improve access for visitors to state prisons

(3) Existing law specifies the requirements for allocation of motor vehicle fuel and license taxes under Article XIX of the California Constitution to local entities for expenditure on exclusive public mass transit guideways.

This bill would include, in projects eligible for these funds, rail lines on which the department contracts for rail passenger services.

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

Ch. 604 (AB 1162) Floyd. Unemployment insurance: fines.

Existing law provides that a violation of specified provisions of the unemployment insurance law and the law requiring the withholding of state income tax on wages is a misdemeanor, with specified penalties.

This bill would require that any fine imposed by the court pursuant to these provisions, with certain exceptions, be paid to the office of the prosecutor bringing the complaint, but if the case was referred to the prosecutor by the Employment Development Department, or some other governmental unit, ½ of the criminal fine shall be paid to that governmental unit.

Ch. 605 (AB 1167) Bradley. Discrimination: employment and housing.

(1) Existing law contains numerous provisions which make it an unlawful employment or housing practice under the California Fair Employment and Housing Act (FEHA) for an employer or housing owner to discriminate in employment or housing because of specified factors.

The bill would require any owner of housing accommodations, upon notice that a verified complaint against it has been filed under the FEHA, to maintain and preserve any and all rental records or other materials relevant to the complaint until the complaint is disposed of or all appeals are terminated

(2) Existing law permits the Attorney General, the commission, or the Director of Fair Employment and Housing to make, sign, and file complaints citing alleged housing violations of the act.

This bill would remove the commission's authority to issue these complaints.

(3) Existing law permits a superior court, under specified circumstances, to order the department to give a respondent to a complaint a copy of any book, document, paper, or other evidence in the possession or control of the department relating to the merits of the complaint.

This bill would delete this provision.

(4) Existing law permits the department, after a complaint has been filed and verified, to bring an action in the superior court to enjoin the owner of property from taking further action with respect to the rental, lease, or sale of the property until the department has completed its investigation.

This bill would also permit the department to bring an action to require compliance with the provision requiring any owner of housing accommodations to maintain and preserve any and all rental records or materials.

(5) Existing law requires the department without undue delay to have served upon or mailed to a housing owner a copy of the verified complaint, which has been filed containing the alleged violations.

This bill would require the department to have this complaint served on or mailed to the housing owner within 45 days.

The bill would, in addition, make various technical and conforming changes to the act.

Ch 606 (AB 1220) Elder. County Employees Retirement Law of 1937 optional cost-of-living adjustments.

The existing County Employees Retirement Law of 1937 provides for various benefits and optional benefits

This bill would authorize the Los Angeles County Board of Retirement to adopt alternative cost-of-living adjustments. These new authorizations would impose state-reimbursable, state-mandated local negotiating costs since their 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

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

reimbursement for these costs

Ch 607 (AB 1243) Stirling. Transportation: flood problems

Existing law empowers the Department of Transportation to construct and maintain the state highway system

This bill would require the department, upon assurance of sufficient funding, to undertake a study of improvements it finds are necessary to address flood water problems on Mission Gorge Road in the City of San Diego and to transmit a report thereon to the Legislature by July 1, 1988. The bill would authorize the study to be funded by San Diego County, the City of San Diego, the department, and adjoining property owners, and would limit the department's participation in the cost of the study to $5,000.

Ch 608 (AB 1317) Polanco Medi-Cal audits.

Existing law provides for the auditing of amounts paid for services provided to Medi-Cal beneficiaries and for the recovery of any overpayments made to providers of health services

Existing law also requires the State Department of Health Services to establish, by regulation, an administrative appeal process to review grievances or complaints of a Medi-Cal provider arising from the findings of an audit or examination, and authorizes a provider to seek judicial review of the administrative appeal process.

The bill would prohibit the Medi-Cal reimbursement claims of a provider from being subject to special claims review for more than 9 months, unless the State Department of Health Services can show cause why that should be done

Ch 609 (AB 1468) Eaves. Unemployment insurance· disability benefits.

Existing law provides for the payment of disability benefits to individuals when certain requirements are met.

This bill would require the Director of Employment Development to develop and maintain a program of education concerning disability insurance rights and benefits

The bill would also require the director to provide to each employer, as defined, a notice informing workers of their disability insurance rights and benefits due to sickness, injury, or pregnancy It would require the notice to be given by every employer to each new employee hired on or after July 1, 1988.

Ch. 610 (AB 1531) Longshore. Off-highway vehicles.

Under existing law, the Controller is required to allocate the additional $4 fee for issuance or renewal of identification of off-highway motor vehicles to counties and cities for purposes relating to trails, areas, or other facilities for the use of off-highway motor vehicles, for controlling the operation of motor vehicles in areas off highways, and for carrying out provisions relating to off-highway motor vehicles.

The bill would allow a county to expend funds for facilities located outside the county's limits under specified circumstances

Ch. 611 (AB 1559) Katz Crimes

Existing law requires the enhancement of prison terms in varying numbers of years because of prior separate prison terms where certain new offenses are committed, and specifically provides that where one of the new offenses is a violent felony, as defined, the court shall impose an additional 3-year prison term for each prior separate prison term served by the defendant where the prior prison term was one of the violent felonies.

Existing law, with respect to sentence enhancements, also provides that the subordinate terms for each consecutive offense which is a "violent felony" consists of 1/3 of the middle term of imprisonment prescribed for each other such felony conviction for which a consecutive term of imprisonment is imposed, and also includes 1/3 of any enhancements imposed, as specified.

This bill would provide that a "violent felony" for the above purposes includes any robbery perpetrated in an inhabited dwelling or the inhabited portion of any other building or in an inhabited trailer coach, where it is charged and proved that the

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

defendant personally used a deadly or dangerous weapon, as specified

Ch. 612 (AB 1569) N Waters. Witnesses: minors.

Existing law imposes various duties and responsibilities on the Commission on Peace Officer Standards and Training regarding the development of specified courses and guidelines.

This bill would require this commission to prepare guidelines establishing procedures which may be followed by police agencies and prosecutors in interviewing minor witnesses.

Ch. 613 (AB 2048) O'Connell. Income taxation collection

Under existing law, the Franchise Tax Board is authorized to enter into agreements with one or more private persons, companies, associations, or corporations providing debt collection services outside this state for the purpose of collecting taxes, interest, additions to tax, and penalties due under the income tax laws.

This bill would authorize the board to contract for debt collection services for the purpose of collecting delinquent accounts with certain exceptions

This bill would require that the amount collected pursuant to the bill be determined by the Franchise Tax Board and reported to the Controller. This bill would require the Controller to transfer the amount so reported to the Delinquent Tax Collection Fund, which the bill would create. The moneys in that fund would be continuously appropriated for transfer and allocation, as specified.

The bill would remain in effect only until January 1, 1992

Ch. 614 (AB 2298) Killea 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, and specifies the procedures to be followed when necessary to terminate a customer's utility service for nonpayment

This bill would require these public utilities to make available to their customers who are 65 years of age or older or who are dependent adults, as defined, a third-party notification service by which the public utility will attempt to notify a person designated by the customer when the customer's account is past due and subject to termination and what is required to prevent termination The bill would provide for the customer to make a written request for this notification service on a form provided by the public utility and to include the written consent of the third party. The bill would specify that the third party does not become obligated to pay the overdue charges, and that notification of the third party will not prevent or delay termination of service

Under other provisions, a violation of these requirements by a privately owned public utility would be a crime, 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 615 (AB 2308) N Waters. Alcoholic beverages

Existing law does not provide for the issuance of alcoholic beverage licenses to bed and breakfast inns

This bill would authorize the Department of Alcoholic Beverage Control to issue a special on-sale wine license to any person operating a bed and breakfast inn, as specified.

Ch 616 (AB 2364) Bradley. Vehicles· restricted streets

Existing law authorizes local authorities, by ordinance, to prohibit the use of streets by commercial vehicles exceeding specified weights.

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

This bill would provide that in San Diego County no ordinance shall prohibit garbage, rubbish, or refuse vehicles from using traditionally used routes, as defined, when the county solid waste management plan is amended to designate each traditionally used route which intersects specified arterials and which provide access to solid waste disposal sites. The bill would authorize San Diego County to designate in its solid waste management plan the traditionally used routes.

Ch 617 (AB 2449) Bronzan. Mental health: delivery system demonstration project.

Under existing law, there is no mental health delivery system demonstration project to establish and fund two model programs to demonstrate the efficacy of a comprehensive integrated and coordinated mental health delivery system for older persons and functionally impaired adults, as defined, in reducing inappropriate hospitalizations and in increasing the number of seniors served in the county's mental health program

This bill would require the State Department of Mental Health to establish, and in collaboration with the Department of Aging, to administer this project, as specified, contingent upon the availability of funds, unless there are counties willing to participate on a demonstration basis without additional funds.

Ch. 618 (AB 2477) Hauser Housing revenue bonds: reporting.

(1) Existing law requires cities, counties, redevelopment agencies, and housing authorities issuing specified housing revenue bonds to report at least annually to the California Debt Advisory Commission concerning certain attributes of the programs financed with the bonds. Existing law also prohibits housing authorities and redevelopment agencies, and counties and cities conducting multifamily rental housing finance programs, from selling the bonds unless the Treasurer certifies to the Legislature that there has been compliance with these reporting requirements.

This bill would impose a state-mandated local program by revising the content required for the above reports to the California Debt Advisory Commission. The bill would also specify that these reporting requirements apply to all obligations issued under the authority of the above existing law to finance housing. The bill would specify that the above changes are declaratory of existing law. The bill would prohibit counties and cities conducting home mortgage finance programs with revenue bond proceeds from issuing bonds until the Treasurer certifies to the Legislature that there has been compliance with the reporting requirements. The bill would also require the commission's annual summary to specify jurisdictions failing to comply with the reporting and certification requirements before issuing bonds.

(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. 619 (AB 2483) Hauser Housing. manufactured homes: mobile houses.

Existing law contains various provisions prescribing requirements regarding the construction and equipment of manufactured homes and mobilehomes.

This bill would declare that nothing in these provisions shall prohibit the replacement of water heaters in manufactured houses or mobilehomes with fuel gas burning water heaters not specifically listed for use in a manufactured house or mobilehome or prohibit having hot water supplied from an approved source within the manufactured home or mobilehome, or in the garage, in accordance with specified provisions. It would also prescribe requirements regarding replacement of fuel gas burning water heaters and their installation Any violation of these requirements would be a misdemeanor The bill would therefore, 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

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

reason.

Ch. 620 (SB 721) Presley. Genetically handicapped persons

Existing law requires the State Director of Health Services to establish and administer a program for medical care of persons with genetically handicapping conditions, as defined.

The bill would add to this program the Von Hippel-Landau syndrome.

This bill would appropriate $37,500 to the State Department of Health Services for the purposes of the bill in the 1987–88 fiscal year.

Ch. 621 (SB 789) Garamendi. Alcohol and drug abuse education.

(1) Existing law requires that the curriculum of all elementary and secondary schools include instruction upon the nature of alcohol, narcotics, restricted dangerous drugs, as defined, and other dangerous substances and their effects upon the human system.

This bill would declare the intent of the Legislature that it is necessary that the fiscal and management responsibilities of the drug education instruction be shared equitably by education and drug agencies at the county level.

This bill would encourage drug and alcohol abuse prevention programs to emphasize a continuing partnership among education agencies, drug abuse agencies, community service agencies, parents, and other members of the community. This bill would encourage rural counties to engage in consortium arrangements and would also encourage school districts and county offices of education to avoid a duplication of efforts by sharing, collaborating, and coordinating resources and efforts.

This bill would also require the State Department of Education to make available information on specified model drug and alcohol abuse prevention programs

(2) Existing law provides for the establishment and administration of county alcohol programs funded in part by an alcohol abuse education and prevention penalty assessed against persons convicted of specified alcohol-related offenses. Existing law requires that the money in the drug program fund be allocated by the alcohol program administrator in accordance with specified planning processes

The bill would delete the requirement that the alcohol program administrator allocate the drug program fund and, instead, would require the drug program fund to be jointly administered by the county's alcohol program and the county's office of education, as specified. This new requirement of the county office of education would impose a state-mandated local program. The bill would delete the requirement that the State Department of Alcohol and Drug Programs establish specified procedures. This bill would require that a minimum of 33% of the fund be allocated to the primary prevention programs in the schools and communities. This bill would also specify how the remaining money in the fund is to be allocated This bill would require that 5% of the money allocated to the primary prevention programs in the schools and communities be used to conduct an evaluation, as specified This bill would impose a state-mandated local program by requiring the office of the county superintendent of schools to conduct the evaluation

(3) Existing law requires any person convicted of specified alcohol-related offenses to pay an alcohol abuse education and prevention assessment in an amount not to exceed $50. This amount is deposited in a county alcohol abuse education and prevention fund to be allocated to the schools and communities of the county to conduct alcohol abuse education and prevention programs in a specified manner. Existing law requires the court to determine if a defendant has the ability to pay all or part of the penalty assessment and authorizes the court to set the amount to be reimbursed and to order the defendant to pay the assessment in the manner specified.

This bill would authorize the court to set the amount to be paid, rather than the amount to be reimbursed, to the county, if the court determines that the defendant has the ability to pay. This bill would also provide that a defendant is not required to pay a penalty assessment if the court determines that the defendant does not have the ability to pay an assessment

(4) Existing law requires every person convicted of an offense involving controlled substances to pay a drug program fee in an amount not to exceed $100 for each separate

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

offense, in addition to any other penalty prescribed by law, except as otherwise provided. This drug program fee is to be allocated to drug abuse programs in the schools and communities in a specified manner. Existing law requires the courts to determine whether a person convicted of these offenses has the ability to pay the fee and authorizes the court to set the amount to be reimbursed and order its payment in the manner specified Existing law also requires county treasurers to maintain a drug program fund and specifies that the fund is to be allocated by the administrator of the county's drug program to drug abuse programs in schools and communities, with a minimum of 33% of the funds to be allocated to primary prevention programs in the schools and the communities Existing law requires these primary prevention programs to demonstrate coordination through an interagency agreement between the county offices of education or local school districts and the county drug administrator

This bill would authorize the court to set the amount to be paid, rather than the amount to be reimbursed, to the county, if the court determines that the person has the ability to pay. This bill would require county treasurers to maintain a drug program fund in which an amount equal to the amount assessed and collected for the drug program fee for every conviction involving controlled substances would be deposited. This bill would provide that a person is not required to pay a drug program fee if the court determines that the person does not have the ability to pay a fee.

This bill would impose a state-mandated local program by requiring instead, a demonstration of coordination through an interagency agreement among the county offices of education, school districts, and the county drug administrator

This bill would require that 5% of the money allocated to the primary prevention programs in the schools and communities be used to conduct an evaluation, as specified This bill would impose a state-mandated local program by requiring the office of the county superintendent of schools to conduct the evaluation annually

This bill would also make legislative findings and declarations relative to the importance of cooperation between the county education, alcohol abuse and drug abuse agencies

(5) This bill would incorporate its changes in Section 11372.7 of the Health and Safety Code, proposed by SB 639, to be operative only if SB 639 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

(6) This bill would incorporate additional changes in Section 23196 of the Vehicle Code, proposed by SB 639, to be operative only if SB 639 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch 622 (SB 851) McCorquodale Redevelopment· tax-sharing agreements

(1) Existing law does not require a redevelopment agency to hold hearings on amendments of the plan necessary to alleviate or eliminate the financial burden or detriment of a fire protection district and to consider recommending to the legislative body an amendment to eliminate that financial burden or detriment, as defined

This bill would, with certain exceptions, impose a state-mandated local program by imposing that requirement as to redevelopment plans adopted before January 1, 1977.

These amendments would not be required to comply with certain procedural requirements for amending the redevelopment plan if limited, as specified The bill would require fire districts requesting a hearing under the bill to pay the procedural costs and would prohibit more than one request as to any redevelopment project 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

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

procedures for making that reimbursement.

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

Ch. 623 (SB 1142) Rosenthal. School districts: community college districts. leaves of absence: officers of employee organizations.

Existing law requires a school district and the governing board of a community college district to grant any certificated employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer to any statewide public employee organization, national organization with which it is affiliated, or local public employee organization which is affiliated with a state or national organization.

This bill would, instead, require that these leaves be granted in order to enable an employee to serve as an elected officer of any local public employee organization or of any statewide or national organization, as specified, with which the local organization is affiliated.

Under existing law, this requirement will be repealed for community colleges on January 1, 1988. This bill would delete this repealer By deleting the repeal date, this bill would extend the duration of this requirement, and would thereby impose a state-mandated local program.

This bill would require governing boards of school districts and community college districts to grant similar leaves for these purposes for classified employees, as specified, and by so doing would impose a state-mandated local program.

Existing law establishes the method for computation of service credit for members of the Public Employees' Retirement System.

This bill would require that, notwithstanding those provisions, a school member who is on approved leave of absence to serve as an elected officer of an employee organization, as specified, shall receive service credit as if he or she were not on leave, 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 declare that no reimbursement is required by this act for a specified reason

Ch. 624 (SB 1312) Craven. Political Reform Act of 1974: commission terms of office

The Political Reform Act of 1974 provides for the establishment of the Fair Political Practices Commission and its membership

This bill would delete an obsolete provision relating to the time by which initial appointments to the commission had to be made in 1975

Ch. 625 (SB 1330) McCorquodale. Health care. admission contracts

Existing law requires skilled nursing and intermediate care facilities to advise patients of their rights and the obligations of the facility.

This bill would specify many of the contents, terms, and conditions for contracts of admission, as defined, for admission of a patient to a long-term health care facility, would require submission of the facilities' current contracts of admission for review by the State Department of Health Services, and would impose civil penalties for violations.

Ch 626 (SB 1443) Doolittle Child day care facilities

Existing law, until January 1, 1990, permits a person to be hired as a child care center teacher if the person meets certain educational requirements Existing law also provides that these persons are not exempt from satisfying the noneducation requirements imposed by law on teachers in day care centers and shall have on-site supervision by a fully qualified teacher, as specified.

This bill would provide that, notwithstanding any provisions of law to the contrary, any person who is otherwise authorized to be hired by a school district to teach children

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

of a given age group may, without meeting any other educational requirements, be employed by a day care center to provide extended day care for children of that grade level.

Ch. 627 (SB 1464) Keene Corporate reorganizations.

Under existing law, an exchange reorganization is defined as the acquisition by one corporation in exchange in whole or in part for its equity securities (or the equity securities of a corporation that is in control of the acquiring corporation) of shares of another corporation, if, immediately after the acquisition, the acquiring corporation has control of the acquired corporation.

This bill would eliminate the requirement that the acquiring corporation, immediately after the acquisition, have control of the acquired corporation to qualify the transaction as an exchange reorganization.

This bill would also provide that a proposal for a reorganization or short-form merger by a party, directly or indirectly, either controlling the corporation or involved in the management or direction of the management of the corporation, be accompanied by an appraisal report from an independent appraiser attesting that the value of the offer is just and reasonable and would provide that this offer or proposal may not be effected or closed if another subsequent offer or proposal by a different party is before the shareholders for consideration or approval

Ch. 628 (SB 1479) Marks Political Reform Act of 1974 injunctive relief.

Existing law provides that a person may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of the Political Reform Act of 1974 A preliminary injunction may be issued to restrain the execution of any official action in relation to which a violation, relating to conflicts of interest, has occurred, pending final adjudication

This bill would provide that a preliminary injunction may also be issued in relation to violations involving restricted activities of former state officers and employees and conflicts of interest involving state administrative officials who enter into contracts, as specified

Ch. 629 (SB 1484) Bergeson Water conservation· Salton Sea.

Under existing law, it is the policy of the state that the waste or unreasonable use or unreasonable method of use of water be prevented.

This bill would provide that the Imperial Irrigation District acting under a contract with the United States for diversion and use of Colorado River water or acting under specified authority or complying with a specified order, to reduce, through conservation measures, the volume of the flow of water into the Salton Sea shall not be held liable for any effects to the Salton Sea or its bordering area resulting from the conservation measures. The bill would declare intent not to exempt the district from any requirements under the California Environmental Quality Act.

Ch. 630 (SB 1501) Vuich. Contractors

Existing law authorizes the Registrar of Contractors to waive the examination for a contractor's license for persons meeting specified qualifications

This bill would authorize the registrar to waive the examination if the applicant previously held a California contractor's license and has been acting in the capacity of a contractor for the United States government in a position exempt from licensure.

Ch 631 (SB 1518) Seymour Highways· maintenance: traffic regulation

Existing law authorizes the Department of Transportation, while engaged in the construction of a state highway, to regulate the movement of traffic on intersecting highways.

This bill would require the department, in cooperation with the Department of the California Highway Patrol, to study the feasibility of performing highway maintenance activities during low-volume traffic hours and to report its findings and recommendations to the Legislature on or before March 31, 1988

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

Ch 632 (SB 1547) Ellis. Political Reform Act of 1974: contribution and expenditures.

Under the Political Reform Act of 1974, a person who receives contributions totaling $500 or more or makes independent expenditures totaling $500 or more or makes contributions totaling $10,000 or more in a calendar year is a committee.

This bill would change the minimum $500 amount to $1,000.

Existing law also provides for the filing of a short form for candidates or officeholders who receive contributions or make expenditures of $500 or less in a calendar year.

This bill would change the minimum $500 amount to $1,000

Ch. 633 (SB 1630) Presley. Fish and game. waterfowl habitat.

(1) For purposes of the Fish and Game Code, existing law defines "person" to include any partnership, corporation, or other type of association.

This bill would specify that "person" for those purposes means any natural person, partnership, corporation, or other type of association.

(2) Existing law provides for game farms, wildlife management areas, public shooting grounds, ecological reserves, and other areas for purposes relating to wildlife. Existing law also authorizes the Wildlife Conservation Board to acquire easements for the protection and propagation of, among other birds, waterfowl.

This bill would, additionally, authorize the Director of Fish and Game, if funds are appropriated therefor, to enter into contracts for the conservation of waterfowl and waterfowl habitat with nonpublic entities which are landowners, or, under specified conditions, lessees of landowners, of land determined by the director to be important for the conservation of waterfowl Under the contracts, the use of the land would be restricted and the department would make payments for the restriction on the use. The bill would require the contract to be recorded, as specified, thereby imposing a state-mandated local program, and, if the land is divested, the successor to the owner or lessee of the land would be subject to the contract. The bill would provide for renewal, modification, and termination of the contracts.

(3) The bill would create the California Waterfowl Habitat Preservation Account in the Fish and Game Preservation Fund The bill would require transfer of the money in the account to the Surplus Money Investment Fund and would declare that the net proceeds of the investment deposited in the account would be available for appropriation by the Legislature for purposes of the bill. The bill would transfer $100,000 from the California Environmental License Plate Fund to the account The bill would declare that not more than 7% of the money appropriated from the account for expenditure in any single year shall be expended in that fiscal year for the administrative costs of the department The bill would declare legislative findings relating to the fund transfer

(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 634 (SB 1683) Boatwright. Records.

Under existing law, known as the California Public Records Act, records of state and local agencies are generally open to public inspection, 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 or she was the victim of one of those crimes if another crime was also 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.

This bill would declare that it is to take effect immediately as an urgency statute

Ch 635 (SB 1507) Royce. Public records: victims of crimes

Existing law provides that, with specified exceptions, materials in the possession of governmental entities are public records subject to disclosure. Local law enforcement agencies shall disclose information about crimes, including the factual circumstances surrounding the crime or incident, except to the extent disclosure of a particular item

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

of information would endanger the safety of a person in an investigation or endanger successful completion of the investigation. Disclosure of the address of a victim of specified sex crimes is prohibited.

This bill would permit the name of the victim of those crimes to be withheld at his or her request, or at the request of the victim's parent or guardian if the victim is a minor.

Ch. 636 (AB 251) Eaves. Alcoholic beverages service to nudists

Existing law authorizes the Department of Alcoholic Beverage Control to make necessary rules in furtherance of the constitutional and statutory provisions of state law pertaining to the regulation of alcoholic beverages, as specified

This bill would exempt nudity at an authorized nudist resort or nudist campground which was in existence prior to January 1, 1977, from any regulation excluding nude persons from licensed premises, under specified conditions. This bill would provide that those provisions shall be applicable only in a county which adopts an ordinance or resolution to that effect and the sheriff certifies that no extraordinary police problem would be created thereby

Ch 637 (SB 526) Mello. Seniors: abuse [6]

Existing law establishes the office of the Attorney General, and specifies certain responsibilities of that office, including the investigation and prosecution of crimes

This bill would specify that there is in the office of the Attorney General the Bureau of Medi-Cal Fraud and would authorize that bureau to review, investigate, and prosecute complaints of abuse, neglect, and discriminatory treatment of patients in health-care facilities which receive Medi-Cal payments. Additionally, the Bureau of Medi-Cal Fraud would be authorized to collect data about crimes against certain patients in health-care facilities and to coordinate with local law enforcement agencies to ensure that such crimes are appropriately investigated and prosecuted

Existing law does not provide for the collection, analysis, and dissemination of information on a statewide basis about crimes committed against elders and dependent adults or about the investigation and prosecution of those crimes

This bill would require the Bureau of Medi-Cal Fraud to collect information for the primary purpose of analyzing that information on crimes against patients in health facilities and on investigations and prosecutions of those crimes and disseminating that information to local law enforcement agencies and regulatory and licensing authorities. This bill would also require the state Ombudsman for Long-Term Care, the Licensing and Certification Division in the State Department of Health Services, and the Statistical Services Branch of the State Department of Social Services to report to the Bureau of Medi-Cal Fraud instances of abuse and neglect of elders and dependent adults which come to the notice of those agencies.

Existing law contains no specific provisions for the training of local law enforcement personnel in the investigation and prosecution of crimes against elders and dependent adults.

This bill would require the Bureau of Medi-Cal Fraud to prepare and offer to local law enforcement personnel materials and training programs on investigating and prosecuting crimes against elders and dependent adults

Existing law permits the reporting to specified entities, including local law enforcement agencies, of instances of nonphysical abuse of an elder or a dependent adult, and requires the reporting of physical abuse of an elder or a dependent adult.

This bill would delete provisions permitting reports of other-than-physical abuse of elders or dependent adults to local law enforcement agencies, but would retain existing provisions permitting those reports to be made to the Long-Term Care Ombudsman and to county adult protective services agencies

Existing law requires the immediate reporting by telephone, of instances of physical abuse of a dependent adult and requires, in all cases of dependent abuse for which a report is required, that a written report to the appropriate agency be made within 36 hours of notice of the abuse

This bill would change that limitation from 36 hours to 2 working days.

The bill would specify that the Bureau of Medi-Cal Fraud is responsible for carrying

---

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

out the provisions of the bill only to the extent that funds are available.

The bill would appropriate $115,800 from the General Fund to the Controller for allocation to the Bureau of Medi-Cal Fraud in the Attorney General's office, subject to federal financial participation.

Ch. 638 (AB 142) Areias. State property. Department of Transportation: reports.

Existing law requires each state agency, as defined, to furnish the Department of General Services, by July 1, 1988, with a record of each parcel of real property which the agency possesses Existing law excludes, among others, the Department of Transportation from the definition of "agency" for those purposes

This bill would require the Department of Transportation, by July 1, 1989, to furnish the Department of General Services with a record of each parcel of real property where available, or identified transportation project which it possesses, except for existing highways, highway projects advertised for or already under construction, airspace, excess land inventory, and nonmarketable airspace, and a concise description of each major structure on the property. The bill would require that property description to be updated by July 1 of each year and to contain specified information

The bill would, additionally, require the Department of Transportation to prepare, for marketable airspace and excess lands, a separate inventory for each category by July 1, 1989, updated annually in a format provided by the Department of Transportation The bill would specify the information required for all lands declared to be surplus by the Department of Transportation and information required in the marketable airspace inventory.

Ch 639 (AB 170) Killea. Health bottled, vended, hauled, and processed water

(1) Existing law does all of the following

(a) Requires the State Department of Health Services to adopt and enforce such regulations as it determines are reasonably necessary to ensure that all bottled water, as defined, and vended water which is sold or otherwise distributed in the state is pure, wholesome, potable, and contains no inorganic chemicals or organic chemicals including pesticides and plasticizers in concentrations which may have an adverse effect on public health and safety.

(b) Prohibits any person from operating a water-bottling plant, as defined, in this state except pursuant to a license issued by the department.

(c) Prohibits any bottled water produced in an out-of-state water-bottling plant from being sold or distributed within this state unless either the out-of-state bottler or the distributor has first obtained an out-of-state bottler's or distributor's license

(d) Prohibits any person from owning or operating any water-vending machine except pursuant to a license issued by the state.

(e) Requires the department to charge and collect a fee for each license applied for which is required to be an amount reasonably necessary to produce sufficient revenue to enforce the provisions relating to bottled and vended water

(f) Requires the department to require each bottler, distributor, or vendor of bottled water, each owner or operator of any water-vending machine, and each applicant for a license to make specified tests and authorizes the department to require any bottler, distributor, or vendor of bottled water any owner or operator of a water-vending machine, or any applicant for a license to make tests for any substance at any time when the department believes the substance may be present in the water source and threaten the public health and safety

(g) Requires the department, upon a determination by the department that a particular water source is subject to potential contamination, to notify the bottler, distributor, vendor of bottled water, or the owner or operator of any water-vending machine who is required, with certain exceptions, to conduct an analysis, as prescribed, of the water source at issue, and if evidence of contamination is found, authorizes the department to take various actions.

(h) Prescribes labeling requirements for each container of bottled water sold in the state and each water-vending machine located in this state

---

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

(i) Makes any violation of these provisions or of any regulation adopted pursuant to these provisions a misdemeanor.

(2) This bill would repeal all of these provisions and reenact them with various substantive changes as part of the Sherman Food, Drug, and Cosmetic Law It would do all of the following

(a) Revise the definitions of the terms "bottled water" and "water-vending machine" and add definitions of the terms of "water hauler," "retail water treatment plant," "private water source," and "private water source operator "

(b) Provide for the regulation by the department of water from water haulers, water from retail water treatment plants, and water from private sources.

(c) Expand the coverage of the provisions of existing law described in (1) (a), above, to include water haulers, operators of water treatment plants and private water source operators

(d) Establish an annual license fee for a water-bottling plant or out-of-state bottled water distributor, water-vending machine, water hauler, retail water treatment plant operator, and private water source operator and require the department to charge and collect a prescribed fee for each department evaluation of a water-vending machine model or a retail water treatment plant to determine compliance with specified standards

(e) Require the fees described in (2) (d) to be adjusted annually as prescribed.

(f) Require that all testing of bottled water, bottled water sources, water distributed by water haulers, water treatment plants, and water from vending machines be done by specified laboratories.

(g) Revise the definitions of the terms "mineral water," and "purified water" for purposes of provisions relating to the labeling of bottled water or vended water

(h) Eliminate the existing misdemeanor penalty described in (1) (i), and make any violation of the above provisions of existing law described in (1), above, or of the additional provisions which would be enacted by the bill, or of any regulation adopted pursuant thereto, punishable as a misdemeanor with prescribed penalties or, under specified circumstances, as a felony with prescribed penalties The bill would, therefore, 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. 640 (AB 285) Leonard. Child abuse

Existing law requires certain classes of persons to report known or suspected instances of child abuse to child protective agencies, as specified

This bill would specify that a representative of a child protective agency (which is defined under existing law as including a police or sheriff's department) may interview suspected victims of child abuse on school premises, during school hours, concerning reports of suspected child abuse that occurred within such a child's home, as specified It would afford a child who is to be interviewed the option of being interviewed in private or selecting an adult who is a member of the staff of that school to be present at the interview to lend him or her support As the bill would impose new duties on schools and child protective agencies, such as the duty to make specified notifications relating to the above provisions, 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, 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

---

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

Ch 641 (AB 286) Chandler 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 Sutter County, the fee for reporting testimony and proceedings in contested trial court cases is $90 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 Sutter County is $110 per day or any fractional part thereof. The bill would impose a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law provides for the payment of annual salaries and travel and other expenses for court reporters in specified counties.

This bill would require official court reporters in Modoc County to receive a salary, to be determined by the board of supervisors, and would require court reporters pro tempore to receive travel and other expenses when called from other counties The bill would impose a state-mandated local program by requiring a higher level of service under an existing program. The bill would also authorize the board of supervisors to provide equipment to court reporters, and specify how court reporter fees should be paid

(3) Existing law establishes a $10 reporter's filing fee in Nevada County

This bill would establish an additional reporter's filing fee, as specified, for certain civil cases in Nevada County

(4) Existing law establishes the compensation of superior court reporters in Monterey County

This bill would revise the provisions for setting the compensation of superior court reporters in Monterey County

(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 declare that it is to take effect immediately as an urgency statute.

Ch 642 (AB 438) Elder State employees flexible benefits program

Under existing law, state employees are permitted to authorize deductions to be made from their salaries or wages for specified purposes, including, employee benefit programs

Under existing law, an employee organization means, generally, an organization registered or certified, as specified, which represents employees of the state or the University of California in their employer-employee relations

This bill would define nonrepresented employee, and would authorize a nonrepresented employee who is participating in a flexible benefits program, to elect to receive one or more benefits that qualify to be excluded from gross income in lieu of a portion of his or her salary

The bill would require that any nonrepresented employee participating in the flexible benefits plan be subject to federal law and implementing regulations of the Department of Personnel Administration which affect the employee's enrollment Unless the Controller or another state officer is trustee or administrator of the program, the bill would require the program to be administered in compliance with the federal Employee Retirement Income Security Act of 1974

Ch. 643 (AB 606) Eaves Insurance agents and brokers

Existing law requires, with certain exceptions, an insurer to provide an insurance agent 120 days' notice prior to terminating or amending a written agency agreement with the agent if the agency contract has been in effect for at least one year The law provides that the rights, duties, and obligations of the agency contract of an agent having property rights in renewals continues as to policies in force or renewed until the policies are canceled, placed with another insurer, or expire

This bill would exempt any management contract of a managing general agent, as

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

defined, from the above provisions, but would continue to apply those provisions to any agency contract of a managing general agent or any portion of a management contract authorizing a managing general agent to act in his or her capacity as an insurance agent, as defined. The bill would also exempt disability insurers and their agents, and nonprofit hospital service plans and their agents, from those provisions. The bill would also apply those provisions to any written agency contract amended after January 1, 1988.

Ch. 644 (AB 630) Stirling Bail.

(1) Under existing law, it is the duty of the superior, municipal, and justice court judges in each county to prepare, adopt, and, from time to time, revise, a uniform countywide schedule of bail for all bailable felony offenses.

This bill would direct the judges to revise the schedule annually, rather than from time to time. It would also require the judges, in adopting a uniform schedule of bail, to consider the seriousness of the offense charged and to assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, including, but not limited to, additional bail for charges alleging facts which would bring a person within any specified enhancement statute. It would additionally require the judge to assign an additional amount of required bail for offenses involving large quantities of controlled substances

(2) Under existing law, it is the duty of the municipal and justice court judges in each county to prepare, adopt, and from time to time revise a uniform countywide schedule of bail for all misdemeanor and infraction offenses

This bill would direct the judges to revise the schedule annually, rather than from time to time.

(3) Existing law directs the judge or magistrate, in fixing the amount of bail, to take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his appearing at the trial or hearing of the case

This bill would provide that in setting, reducing, or denying bail, rather than fixing bail, the judge or magistrate shall also consider the protection of the public. It would require that the public safety be the primary consideration The bill would further provide that in considering the seriousness of the offense charged, the judge or magistrate shall include consideration of the alleged injury to the victim, and alleged threats to the victim or a witness to the crime charged, the alleged use of a firearm or other deadly weapon in the commission of the crime charged, and the alleged use or possession of controlled substances by the defendant It would additionally require the judge or magistrate in considering offenses wherein a violation of certain controlled substance offenses is alleged, to consider the alleged amounts of controlled substances involved in the commission of the offense

Ch. 645 (AB 648) Costa. Vehicles· cotton trailers

Existing law requires applicants to submit to examinations appropriate to the type of motor vehicles or combination of vehicles the applicant desires a license to drive and establishes 4 separate vehicle classifications

This bill would include specified 2-axle motortrucks or implements of husbandry when towing cotton trailers, in specified circumstances, in class 3.

Ch. 646 (AB 670) N Waters Dairy products sterilized products: UHT.

(1) Existing law regulates the contents and manufacturing of dairy products sold in this state, including various sterilized dairy products

This bill would delete the definition of "sterilization," "sterilized," and "aseptically processed and packaged" as those terms are used in the Food and Agricultural Code with regard to dairy products and, instead, would substitute the term "UHT" with a similar definition The bill would repeal all provisions for sterilized dairy products except for sterilized whipped cream, cream topping, or sour cream, and would add provisions for UHT lowfat milk, UHT nonfat milk, and UHT eggnog. A violation of the content and manufacturing requirements for these new products would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime.

The bill would make other conforming changes.

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

(2) Existing law prescribes the contents of yogurt.

This bill would prescribe the contents of yogurt with supplemental calcium and would prescribe labeling requirements for that product Since violation of these requirements would be a misdemeanor, 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.

(4) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 647 (AB 730) Kelley. Commemorative California gold medallions.

Existing law requires the Department of General Services to cause to be designed a series of commemorative gold medallions and to contract for the minting of the medallions if specified conditions are met It requires each medallion to bear on one side the Great Seal of the State of California, and in the center of the reverse side, the State Bear.

This bill would require the center of the reverse side of each medallion to bear any emblem of the State of California other than the Great Seal, instead of only the State Bear It would require any new design for a medallion to be approved by the Department of General Services.

Ch. 648 (AB 835) Zeltner Department of Veterans Affairs physician referral service

Under existing law, the Department of Veterans Affairs administers state programs of benefits for veterans.

This bill would direct the department, in cooperation with the Board of Medical Quality Assurance, to develop a questionnaire for identifying physicians and establish a physician referral service, listing physicians and surgeons with experience or specialties in the treatment of combat-related disorders. The bill would direct the board to send a questionnaire once during 1988, 1989, and 1990, to every licensed physician and surgeon requesting information on his or her experience or skills, if any, in combat-related disorders. The bill would direct the board to request that the responses be returned to the county veteran service officer serving the geographic area in which the physician and surgeon practices. The county veteran service officer would be authorized to provide the name, address, and telephone number of any responding physician and surgeon to any requesting veteran. The bill would require the department to report to the Legislature by July 1, 1990, on information obtained from county veteran service officers relating to their experiences under the bill together with their recommendations for continuation of the service The bill would provide that the state and counties would not be liable for any injury resulting from making or failing to make a referral.

The bill would be repealed on January 1, 1991.

Ch. 649 (AB 1024) Costa. Sportfishing.

Existing law requires persons over the age of 16 years to obtain a license to take fish or amphibia for any purpose other than profit.

This bill would, until January 1, 1991, authorize the Director of Fish and Game to designate 2 days in each year as free sportfishing days during which fish may be taken for purposes other than profit without a sportfishing license or payment of any fee, as specified

Ch 650 (AB 1488) Leonard. Bear Valley Dam. reconstruction.

Under existing law (the Davis-Grunsky Act), it is the policy of the state to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest Under existing law, preference is required to be given to projects involving the development of new basic water supplies, but permits consideration to be given to projects which would rehabilitate a dam and reservoir for water supply purposes.

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

This bill would permit preference to be given to projects involving the repair, alteration, or replacement of dam and reservoir facilities which are subject to storage restrictions for dam safety purposes, and would prescribe related matters

The bill would also authorize the Department of Water Resources to make grants and loans pursuant to the Davis-Grunsky Act to specified districts for repairing and altering Bear Valley Dam and Littlerock Dam, subject to prescribed limitations, or for construction of specified replacement works for Littlerock Dam

The bill would make legislative findings and declarations

Ch 651 (AB 1699) Katz Off-highway motor vehicles

Existing law requires that a transfer fee of $15 be paid upon application for transfer of ownership or of any interest of an owner or legal owner in or to any off-highway motor vehicle

This bill would reduce that transfer fee to $9

Ch 652 (AB 1796) Costa Shared appreciation loans

Existing law sets forth provisions governing shared appreciation loans of pension funds and shared appreciation loans for seniors. Existing law also sets forth provisions governing shared appreciation loans generally, but those provisions ceased being operative on January 1, 1987

This bill would also specify that the relationship of a borrower and lender in a shared appreciation loan is debtor and creditor It would provide that a shared appreciation loan is not subject to interest rate limitations or requirements for the use of particular language in security instruments The bill defines a shared appreciation loan to exclude any loan made upon the security of an interest in real property containing one to 4 residential units, at least one of which at the time the loan is made is or is to be occupied by the borrower

The bill would provide that the lien of a deed of trust securing a shared appreciation loan secures the principal and all interest, and that the lien attaches from recordation and has priority over any other lien or encumbrance recorded later. It would require a deed of trust that acts as security for a shared appreciation loan to so indicate

Ch 653 (AB 1863) Wyman Long-term health care facilities

Under the Long-Term Care, Health, Safety, and Security Act of 1973, the State Department of Health Services is charged with the administration of standards for health and safety of long-term health care facility residents One of these duties is to issue citations for violations by these facilities of standards relating to the health and safety of facility residents, and the assessment of civil penalties for those violations.

Under existing law, if a licensee contests a citation or decision made following a citation review conference where penalties do not exceed $15,000, either the state or the licensee may elect to submit the matter to binding arbitration.

This bill would require the arbitrator's decision to specify, in writing, the areas of disagreement between the parties, the evidence upon which the decision is based, and the reasons for the decision.

Ch. 654 (AB 1940) Quackenbush Courthouse construction funds

(1) Under existing law, counties other than Los Angeles, Santa Clara, San Diego, and the City and County of San Francisco are authorized to establish a courthouse temporary construction fund in the county treasury funded by assessments on nonparking assessments, and the Counties of Santa Clara and San Diego are authorized to establish that fund funded by nonparking assessments and payments from issuing agencies who process their own parking violations and other specified penalty assessments

This bill would delete the County of Contra Costa from the former and include it in the latter provision which is applicable to the Counties of Santa Clara and San Diego for funding of the county fund of Contra Costa County

(2) Existing law provides for $1 to be collected from each person ordered, in lieu of a fine for a traffic offense, to attend traffic school, for each of specified criminal justice facility and courthouse construction funds established in specified counties

---

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

This bill would require the collection of an additional $1 in specified counties for the courthouse construction funds established in those counties from persons ordered to attend traffic school in lieu of a fine for a traffic offense, thereby imposing a state-mandated local program. This provision would not be operative if SB 213, which contains similar provisions regarding revised fees for criminal justice facilities and courthouse construction, is enacted and becomes operative.

(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. 655 (AB 2375) Statham Child care. use of school facilities.

Existing law requires the governing board of any school district seeking to sell or lease surplus real property to do so in accordance with specified priorities.

This bill would authorize school district governing boards complying with specified outdoor activity space requirements for child care facilities, notwithstanding those priorities, to instead sell or lease surplus real property to designated child care providers for child care development purposes, as specified.

This bill would, in addition, prohibit the governing board of any school district from selling or leasing any surplus real property except where the school district advisory committee to a governing board first provides for hearings of community input on acceptable uses of surplus school space and real property.

Existing law requires the advisory committee to the governing board of a school district, among other things, to provide for hearings of community input to the committee on acceptable uses of space and real property.

This bill would provide that this requirement for hearings of community input on acceptable uses of space and real property shall include the sale or lease of surplus real property for specified child care development purposes.

Ch. 656 (AB 2574) O'Connell Controlled substances.

Existing law provides that in addition to the term of imprisonment provided by law for persons convicted of certain controlled substances violations, the trial court may impose a fine not exceeding $20,000 for each such offense, as specified.

This bill would provide that where a conviction involves more than 3 pounds of certain controlled substances containing heroin, cocaine, or cocaine hydrochloride, a fine not exceeding $1,000,000 may be imposed for each such offense

This bill would provide that where a conviction involves more than 10 pounds of certain controlled substances containing heroin, cocaine, or cocaine hydrochloride, a fine not exceeding $4,000,000 may be imposed for each such offense.

This bill would provide that where a conviction involves more than 25 pounds of certain controlled substances containing heroin, cocaine, or cocaine hydrochloride, a fine not exceeding $8,000,000 may be imposed for each such offense

This bill would require the court to make a finding, prior to imposing the fines authorized by this bill, that there is a reasonable expectation that the fine, or a substantial portion thereof, could be collected within a reasonable period of time, taking into consideration the defendant's income, earning capacity, and financial resources.

Ch. 657 (SB 79) Watson Pharmacy Act. fees.

Existing law specifies the maximum amount of the fees which may be fixed by the State Board of Pharmacy for licensees of the Pharmacy Act

This bill would increase those fees, would establish a fee for the transfer of intern hours or the verification of licensure to another state, and would authorize the board to collect renewal and penalty fees for a pharmacist license that has been delinquent for more than one year.

The bill would make related changes

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the

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

amount of moneys in the fund, it would constitute an appropriation.

Ch. 658 (SB 113) L. Greene Low-income housing tax credits.

Existing federal income tax law authorized prescribed low-income housing tax credits, which are required to be allocated by a state housing credit agency in accordance with specified standards. Under existing federal law, the state legislatures may designate the state housing credit agency for this purpose

This bill would rename the Mortgage Bond Allocation Committee as the Mortgage Bond and Tax Credit Allocation Committee and would vest it with responsibility for allocating these federal tax credits, as specified The bill would establish certain priorities and would require annual reporting. The bill would rename the Mortgage Bond Allocation Fee Account in the General Fund as the Mortgage Bond and Tax Credit Allocation Fee Account and would continuously appropriate moneys in the account to reimburse state and local agencies for costs of reviewing applications for federal low-income housing credits under the bill This bill would appropriate $100,000 from the account to the committee and authorize the committee to borrow against appropriations from the account to meet current expenses until appropriations from the account are adequate for that purpose The bill would validate certain prior actions of the committee to allocate these tax credits pursuant to the Governor's proclamation dated February 27, 1987. The bill would exempt rules and regulations adopted by the committee for allocation of 1987 housing credits from procedural requirements of existing law, including provisions for review by the Office of Administrative Law, and would provide that these rules and regulations go into effect immediately.

This bill would delete existing definitions of "local bond limit" and "state bond limit" in existing provisions relating to the committee

The bill would declare that it is to take effect immediately as an urgency statute and would be repealed without further action of the Legislature on January 1, 1991

Ch. 659 (SB 668) Robbins. Health care service plan assessments

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 and specialized health care service plans, as defined

Existing law requires specified fees to be collected by the commissioner from health care service plans, including a fee for reimbursement to the commissioner of a plan's share of the costs of administering the act The amount of the fee for each plan is required to be established by the commissioner by November 15 of each year

This bill would, instead, require the commissioner to fix the amount of this fee for each plan by October 15 of each year.

Ch. 660 (SB 719) Rosenthal. Carriers: charter-party carriers of passengers.

(1) Under the Passenger Charter-Party Carriers' Act, specified passenger transportation services are excluded, including transportation service rendered wholly within a city or city and county

This bill would specify that transportation service rendered wholly within a city or city and county is excluded if licensed or regulated by ordinance

(2) Existing law defines "motor vehicle" for purposes of the act as a self-propelled vehicle with a seating capacity of more than 5 persons excluding the driver.

This bill would define "motor vehicle" as a vehicle which is self-propelled.

(3) Existing law requires any holder of a certificate issued pursuant to, or rights to conduct services authorized by, the act, to pay a $50 fee with every application to the commission for authorization to sell, lease, or otherwise transfer or encumber that certificate or right.

This bill would increase the application fee to $300.

(4) Under existing law, charter-party carriers of passengers are prohibited from operating any motor vehicle on the highway without an identifying symbol in a form prescribed by the commission, displayed on the vehicle, as specified.

This bill would require the commission to issue a suitable decal for every motor vehicle designed to carry not more than 8 persons, including the driver, registered with the

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

commission, as specified, and would require the carrier to affix the decal to the lower right hand corner of the windshield before operating the vehicle The bill would thereby impose a state-mandated local program by changing the definition of a crime.

(5) The bill would appropriate $100,000 from the Public Utilities Commission Transportation Reimbursement Account to the commission for purposes of the bill

(6) This bill would make additional changes in Section 5353 of the Public Utilities Code, proposed by AB 41, to be operative only if this bill and AB 41 are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered after AB 41.

(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. 661 (SB 827) Garamendi Hazardous waste surface impoundments.

Existing law authorizes a California regional water quality control board to exempt a surface impoundment into which mining wastes are discharged from specified provisions of the Toxic Pits Cleanup Act of 1984, if the State Water Resources Control Board adopts regulations specifically applicable to this discharge and the regional board determines that certain mining wastes have generic properties so that the wastes do not pose a threat to the waters of the state

This bill would instead authorize a regional board to grant an exemption to a surface impoundment into which are discharged mining wastes the regional board determines have properties so that the wastes do not pollute or threaten to pollute the waters of the state when discharged into a surface impoundment which is in compliance with all applicable regulations adopted by the state board pursuant to the Porter-Cologne Water Quality Control Act.

Ch 662 (SB 922) Hart. Produce dealers

(1) Under existing law, except with approval of the Director of Food and Agriculture, no person licensed as a processor or a produce dealer may employ an agent who is or has been responsibly connected with a licensee who has violated specified laws relating to licensed processors or produce dealers or who is obligated to pay claims for farm products, as specified

This bill would extend the prohibition to an agent who is or has been responsibly connected with a business that is required to be licensed as a processor or a produce dealer The bill would also prohibit any person, other than a corporate officer licensed and employed as an agent, from controlling, as defined, the business of a licensed processor or produce dealer

(2) The bill would authorize the director to deny the application for a license or the renewal of a license for processors and produce dealers if the applicant's balance sheet or financial statement shows the applicant to be in an unsound financial condition, as specified.

(3) The bill would require processors or produce dealers found to be operating without a license or failing to pay specified fees to pay to the director the fees due for the last 5 years. These funds would be deposited in the Department of Food and Agriculture Fund and would be continuously appropriated to the Department of Food and Agriculture

(4) The bill would prohibit any person, other than a corporate officer who is licensed and employed as an agent, from controlling the business of a licensed produce dealer. Violation of this prohibition would, among other things, be a misdemeanor, thus imposing a state-mandated local program by creating a new crime

(5) The bill would impose a bonding requirement, in a specified amount, on processors and produce dealers who have committed specified acts within the preceding 4 years.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish

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

procedures for making that reimbursement.

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

Ch. 663 (SB 935) Rogers AIDS.

Under existing law, health care providers are, in certain instances, required to report to the county health officer a diagnosed case of acquired immune deficiency syndrome (AIDS)

Existing law generally prohibits a health care provider from disclosing a positive test result on a test for the presence of human immunodeficiency virus antibodies to the probable causative agent of AIDS

This bill would permit any person receiving a test for the presence of antibodies to human immunodeficiency virus (HIV) to disclose the identity of any sexual partners or any person with whom he or she has shared the use of hypodermic needles, to the county health officer, after the person has signed a consent form, provided by the person's physician or designee who has administered the test, which acknowledges that the person is making his or her disclosure voluntarily

The bill would further require the physician to forward any consent forms signed pursuant to the bill to the county health officer.

The bill would permit the county health officer to alert the sexual partners or the partners of shared needles about their exposure, without disclosing any identifying information about the individual making the disclosure. It would require the county health officer to refer any person to whom he or she has made this disclosure to alternative test sites where they may wish to obtain testing.

The bill would, however, require the county health officer to keep confidential the names of individuals making contact disclosures and of individuals contacted.

The bill would also provide that except under specified circumstances, no person shall be compelled in any state, county, city, or local civil, criminal, administrative, legislative, or other proceedings to identify or provide identifying characteristics which would identify any individual making a contact disclosure or named as a contact.

Ch. 664 (SB 1175) Deddeh Home protection contracts.

Existing law defines various terms, including "protection contract fee", for the purposes of regulating home protection contracts under designated provisions

Existing law specifies that if coverage is provided prior to the time that an interest in residential property to which it attaches is sold, the fee shall consist of a pro rata portion of the annual contract fee in effect on the date of commencement of coverage, prorated as prescribed It exempts home protection contracts issued by a franchisor, or its parent, subsidiary, or affiliate from that provision under specified conditions. These provisions are to remain in effect only until January 1, 1988, and as of that date are repealed.

This bill would extend the repealer date for those provisions to January 1, 1990, and would expand the definition of a home protection contract fee

Existing law requires a home protection company to maintain a reserve for unearned premiums, as specified

This bill would provide that the amount of the reserve shall be on a 12-month basis and specify the amount of the reserve if the contract for home protection services is for a period of more than 12 months.

The above provisions would become operative only if SB 1465 is enacted If SB 1465 is not enacted, other provisions of this bill would become operative

Ch 665 (SB 1218) Presley Redevelopment

Existing law relating to the allocation of property taxes to a redevelopment agency from redevelopment projects established, and areas added to other redevelopment projects, on or after January 1, 1977, requires that not less than 20% of the taxes shall be used to increase and improve the community's supply of low- and moderate-income housing.

This bill would specify that, for this purpose, the redevelopment agency may maintain

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

the community's supply of mobilehomes.

Existing law authorizes counties and cities to levy prescribed transient occupancy taxes.

This bill would authorize the redevelopment agency of a city that has already levied a transient occupancy tax to also levy such a tax within redevelopment project areas to finance redevelopment The bill would require the city's tax ordinance to give a credit for the redevelopment agency's transient occupancy tax and would preclude the redevelopment agency's tax rate from exceeding that of the city's transient occupancy tax.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 666 (SB 1220) Mello Long-term health care facilities receiverships.

(1) Existing law permits the Director of Health Services, when specified circumstances exist, to petition the superior court for an order appointing a receiver to temporarily operate a long-term health care facility

This bill would permit the director, whenever he or she has filed a petition seeking an order to appoint a receiver to operate a long-term health care facility, to also file a petition seeking an order for appointment of a temporary receiver, who would serve until the court made a final determination on the petition for appointment of a receiver The temporary receiver would have the same powers and duties as would a receiver appointed to operate a long-term health care facility pursuant to existing law.

Existing law requires that a receiver shall be a licensed nursing home administrator or other responsible person or entity, as determined by the court.

This bill would require the receiver's selection to be made from a list of qualified receivers, who must have experience in delivery of health care services, and, if feasible, experience with the operation of a long-term health care facility. The list would be established by the department with input from long-term health care providers and consumer representatives.

This bill would also prohibit impeding the operation of a receivership, as specified

(2) The bill would delete an existing provision requiring the receiver to maintain a reasonable return on the licensee's investment

(3) The bill would require, instead, that the receiver ask the court for direction in the treatment of certain debts

(4) Existing law requires the development and implementation of a transfer plan for the residents of a facility in receivership, under certain conditions

The bill would permit an extension of the receiver's management for an additional 6 months in the court's discretion to accomplish the transfer

(5) Under existing law, the court is required to give due consideration to, among other factors, the qualifications of the appointed receiver, in setting the receiver's salary

This bill would delete this requirement

Ch. 667 (SB 1221) Garamendi. South Delta Water Agency.

(1) Under the South Delta Water Agency Act, the South Delta Water Agency, located in the Sacramento-San Joaquin Delta, is empowered to negotiate, enter into, execute, amend, administer, perform, and enforce specified agreements with the United States and the State of California for specified purposes Existing law provides for the termination of the agency unless a contract for those specified purposes is entered into and executed on or before December 31, 1988

This bill would delete the provision terminating the existence of the agency if a contract is not so executed

The bill would generally authorize the agency to undertake activities to advise and assist landowners and local districts within the agency in reclamation and flood control matters and to do any and every lawful act necessary in order that a sufficient in-channel water supply may be available for any beneficial uses of the lands within the agency

The bill would prohibit any amendment or the termination of a contract with the United States or the state except in accordance with prescribed procedures, and subject to the approval of the voters if a substantial written protest, as defined, is received

(2) Under existing law, the agency is authorized to provide for the levy and collection of assessments, by proration based on the assessed value of the taxable land, for expenses

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

and obligations of the agency, subject to prescribed procedures and requirements

This bill would, instead, provide for assessments based on a uniform charge per acre on each acre or fraction thereof of taxable land within the agency, and the collection of those charges in accordance with prescribed procedures. The bill would, however, authorize the agency to provide for a redetermination of benefits received and the establishment of one or more zones of benefit, in accordance with prescribed procedures, and the adjustment of the charge per acre based on the zones of benefit.

(3) The bill would make other changes

Ch. 668 (SB 1264) Seymour. School facilities use of sale or lease revenues.

Under the Leroy F Greene State School Building Lease-Purchase Law of 1976, the State Allocation Board is authorized to provide state funding to eligible school districts for the construction, as defined, of school facilities Existing law also authorizes the board to charge rent for all projects funded under that program, but exempts from the amount of rent for which a school district is liable the amount of revenues from the sale or lease of surplus property that are used for capital outlay expenditures for school construction that conforms to specified building area standards

This bill would also exempt from rental liability under that provision any surplus school buildings, land, or other real property interest, as specified, utilized by a school district to generate revenue under a joint venture, pursuant to the terms of a school district asset utilization plan approved by the State Allocation Board, as specified The bill would require that those revenues be placed in a separate fund by the district, for expenditure only for designated school facilities purposes

Ch 669 (SB 1286) Bergeson Riverside County flood control

Under existing law, the Riverside County Flood Control and Water Conservation District is authorized, upon compliance with the requirements of the Benefit Assessment Act of 1982, to levy a benefit assessment within any zone or improvement district to pay the principal and interest on bonds of the district or zone or improvement district

This bill would authorize the board of supervisors, in accordance with prescribed procedures, to order delinquent benefit assessments, penalties, and other charges to be collected by an action brought in superior court, and, prior to issuance of the bonds, to covenant for the benefit of the owners of the bonds to commence and diligently pursue to completion any foreclosure action regarding any delinquent benefit assessments The bill would permit the district to include in the principal amount of any bonds to be issued a reserve fund for the payment of the principal of and interest on the bonds as specified The bill would make other changes

The bill would also authorize the board, through a specified process, to sell bonds to finance projects in areas within the district to be paid for from assessments in those areas

Ch 670 (SB 1431) Doolittle Courts assignment of judges.

(1) Existing law provides that any judge assigned to a court wherein the judicial compensation is greater shall receive that greater compensation while so assigned; and provides, with respect to the compensation of judges sitting on assignment in another court, that the judge is deemed to sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve on the court to which he or she is assigned, to travel to or from such court, or to be absent from his or her residence, and, if he or she serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days, inclusive of Saturdays, Sundays, and holidays, he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

This bill would provide, with respect to the compensation of a judge so sitting under assignment, that if the judge serves his or her own court on a part-time basis and has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by

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

a regular judge of the court to which the judge is assigned, 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, 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. 671 (SB 1457) L Greene. Engineers. land surveyors.

Existing law provides for the licensure and regulation of engineers and land surveyors. The provisions are enforced and administered by the State Board of Registration for Professional Engineers and Land Surveyors.

Existing law does not prohibit one or more civil, electrical, or mechanical engineers from practicing within the scope of their registration, civil, electrical, or mechanical engineering as a partnership, firm, or corporation, or from employing or using the name of specified persons, or using the name of a business which was in existence after a specified date, provided specified requirements are met. Existing law also does not prohibit one or more licensed land surveyors or registered civil engineers from practicing, within the scope of their registration, land surveying as a partnership, firm, or corporation, or from employing, or using the names of, specified persons, or using the name of a business which was in existence after a specified date, provided specified requirements are met.

This bill would delete references to partnership, firm, or corporation and make references instead to "business" which would be defined as a sole proprietorship, partnership, firm, or corporation The bill would require (1) a civil, electrical, or mechanical engineer currently registered in this state to be an owner, part owner, or officer in charge of the engineering practice of the business, (2) all engineering plans, specifications, reports, and documents to be prepared under the responsible charge of a registered engineer in the appropriate branch of professional engineering, (3) the business name of a California business to only contain the name of specified licensed or registered professionals; and (4) any offer, promotion, or advertisement by the business which contains the name of any individual in the business, other than by use of the name of an individual in the business name, to clearly and specifically designate the license or registration discipline of each individual named The bill would specify comparable requirements for an out-of-state business with a branch office in this state. The bill would specify when a fictitious name may be used, and when a nonregistered person may be a part owner or officer of a civil, electrical, or mechanical engineering business The bill would provide that its provisions shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, which lawfully was in existence on December 31, 1987, provided specified requirements are met and the business files an organization record form with the board as designated by board rule. The bill would also provide that a business engaged in rendering civil, electrical, or mechanical engineering services may use in its name the name of a deceased or retired person provided specified conditions are satisfied. Comparable provisions would be added with respect to land surveying businesses

Ch 672 (AB 216) Duplissea. State Fire Marshal fees [7]

Existing law requires the State Fire Marshal, with policy guidance and advice from the State Board of Fire Services, to establish fees necessary to implement provisions of the California Fire and Arson Training Act

This bill would prohibit the State Fire Marshal from establishing or collecting any fee for training classes provided by the State Fire Marshal to fire protection personnel relating to state laws and regulations which local fire services are authorized or required to enforce

---

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

Existing law authorizes the State Fire Marshal to prepare and conduct voluntary regular training sessions on laws, rules, and regulations relating to fire and panic safety.

This bill would require the State Fire Marshal to prepare and conduct these training sessions. This bill would appropriate $30,000 annually from the General Fund to the State Fire Marshal for expenditure for the purposes of this provision.

This bill would incorporate additional changes in Section 13142 4 of the Health and Safety Code, proposed by SB 531 and AB 1973, to be operative only if either SB 531 or AB 1973, or both, and this bill are chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

Ch 673 (SB 498) L Greene Transportation social service transportation: vehicle fees exemption

(1) Under the Mills-Alquist-Deddeh Act, allocations from the local transportation fund are made by transportation planning agencies for specified transportation purposes

This bill would impose a state-mandated local program by requiring each transportation planning agency to provide for the establishment, in counties within its jurisdiction, of social services transportation advisory councils, as specified, to serve as an advisory body to the agency regarding the transit needs of transit dependent and transit disadvantaged persons, including the elderly, handicapped, and persons of limited means, with respect to those allocations made by the agency which are not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles The bill would require a transportation planning agency, prior to allocating funds for streets and roads, to adopt a finding, documented as specified, that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet

The bill would require the Controller, commencing January 1, 1989, to annually report to the Legislature on funds allocated by transportation planning agencies for streets and roads and the total available for allocation to transit operators under the Mills-Alquist-Deddeh Act

(2) Existing law imposes an annual vehicle license fee in the amount of 2% of market value for the privilege of operating a vehicle on public highways.

Existing law also imposes a $22 annual registration fee, and weight fees in specified instances, on vehicles required to be registered

This bill would exempt any vehicle purchased with specified federal funds for specialized transportation services to senior citizens and handicapped persons by public or private nonprofit operators of specialized transportation service agencies from the license fee and weight fees for commercial vehicles

(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 $38,770 from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for purposes of implementing the bill

Ch 674 (SB 661) Dills. Public contracts use of securities

Existing law requires that provisions shall be included in any invitation for bid on a public agency contract, and in any contract documents, to permit the substitution of securities for any moneys withheld by a public agency to ensure performance under a contract

The existing provisions specify which types of securities may be substituted for money withheld by a public agency.

This bill would, in addition, provide that interest-bearing demand deposit accounts, standby letters of credit, or any other types of mutually agreed to securities may be substituted for money withheld by a public agency under a contract

The bill would further require that, if a contract is to include a provision for the

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

substitution of securities for money withheld by a public agency, the escrow agreement containing the contract provision must be in substantially the form specified in the bill.

Ch. 675 (SB 982) Morgan. Pharmacy.

Existing law authorizes certain licensed nonprofit community clinics and free clinics to purchase drugs at wholesale for administration or dispensing provided they obtain a permit from the State Board of Pharmacy and maintain records, as specified.

This bill would include multispecialty clinics, as defined in those provisions.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund Because this bill would increase the amount of moneys in that fund, it would constitute an appropriation.

Ch 676 (SB 1346) Watson Specialized secondary programs: startup costs

Existing law requires that the Superintendent of Public Instruction allocate funds for startup costs to school districts which submit a plan for establishment of specialized secondary schools or programs with specialized curricula in high technology, performing arts, or other special curricular areas, as specified

This bill would provide that entities eligible for funding of these startup costs shall be eligible to compete for funding of startup costs regardless of prior year funding This bill would provide that funding of startup costs for additional years shall be based upon the addition of new program offerings, and would specify that these additional startup funds shall supplement, and not supplant, other specific funds

Ch 677 (SB 1395) Kopp Settlement: co-obligors.

Under existing law, in an action against multiple tortfeasors, if one or more of the alleged tortfeasors settles the action in good faith, it does not discharge the other tortfeasors but reduces the claims against them by the amount stipulated in the settlement or the consideration paid for it, whichever is greater, and it discharges the settling tortfeasor from liability for contribution to other tortfeasors.

This bill would extend those provisions to cover co-obligors mutually subject to contribution rights, unless the co-obligors have expressly agreed to apportionment of liability.

It would not apply to co-obligors with respect to a contract made prior to January 1, 1988

Ch. 678 (SB 1414) Petris Student financial aid· eligibility

Existing law provides that every student at a public or private institution of higher education in accepting state financial assistance shall be deemed to have agreed to observe the rules of the institution governing financial aid Existing law authorizes an institution of higher education to determine that a recipient is ineligible to receive state financial assistance for a period not to exceed the 2 ensuing academic years if the recipient willfully and knowingly commits any act likely to disrupt the peaceful conduct of campus activities and is arrested and convicted of a public offense arising from the act

Existing law requires the hearing board to give recipients of financial aid who have committed these acts written notice of the pendency of the proceedings for the suspension of assistance and requires this notice to inform the recipient that he or she may present evidence of mitigating circumstances to the board within 14 calendar days of the date of the mailing of the notice.

Existing law authorizes the hearing board by majority vote to suspend a recipient, as specified, from receiving further financial assistance for a specified period of time

Existing law provides that nothing in the provisions relating to student financial aid programs shall be construed to prohibit any institution of higher education from suspending or refusing to grant state financial aid because of any other misconduct which in the institution's judgment bears adversely on the student's fitness for assistance.

This bill would suspend the operation of these provisions until January 1, 1993, and as of that date, these provisions would become operative.

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

Ch. 679 (AB 1133) Johnston. Milk or milk products: liens.

Existing law does not create a specific lien on the proceeds from the sale of milk or milk products in favor of persons providing feed or materials for the cattle producing the milk or milk products

This bill would give a person who provides feed or materials, as defined, to aid the raising or maintaining of dairy cattle a lien on the proceeds, as defined, from the sale of the milk or milk products thereof, for the reasonable or agreed charges, as defined, for the feed or materials and for the costs of enforcing the lien. The lien would attach to proceeds of the milk or milk products thereof, subject to specified conditions

The bill would specify the procedure to perfect the lien and other related matters including the duties and authority of the Secretary of State

Ch. 680 (AB 1689) Moore Gas· producers' cooperatives.

Existing law does not provide a mechanism for producers of gas to form nonprofit cooperative associations for purposes of selling their gas pursuant to marketing contracts between the producers and the association.

This bill would permit 3 or more natural persons engaged in the production of gas to form a cooperative association for purposes of selling gas produced by the association's members and performing other specified related functions The bill would specify how an association is incorporated, the adoption of bylaws, election of directors, issuance of stock, admission of members, and the powers of an association to engage in activities in connection with selling, transporting, or storing of gas produced and delivered to it by its members, and related functions and powers

The bill would permit an association to execute marketing contracts with its members requiring the members to sell all or any part of gas produced by them to the association and the association to resell the gas and enforce these contracts

Ch. 681 (AB 719) Hannigan Property taxation.

(1) Existing property tax law provides for the allocation by the auditor in each county of property tax revenues to various jurisdictions according to specified formulas.

This bill would impose state-mandated local costs by requiring the auditor in Solano County to revise the amount of property tax revenue apportioned to specified jurisdictions within Solano County for the 1987–88 fiscal year and fiscal years thereafter.

(2) Existing law enables a county to adopt procedures to establish a property tax losses reserve fund That fund is utilized to cover losses which may occur in the amount of property tax liens as a result of special sales of tax defaulted property Whenever, in any year, the amount of the property tax losses reserve fund reaches an amount equivalent to 5% of the total of all property taxes and assessments levied on the secured roll for that year, the amount thereafter authorized to be credited to the fund is credited to the county general fund.

This bill would reduce this threshold percentage from 5% to 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.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 682 (AB 1757) Frazee Funeral directors and embalmers. fees

Existing law provides a schedule of licensing fees for licenses issued under the Funeral Directors and Embalmers Law. In this connection, the existing schedule of licensing fees generally fixes the maximum amounts at which those fees may be fixed by the Board of Funeral Directors and Embalmers.

This bill would increase those fees, establish a minimum and maximum fee, provide that the minimum fee specified is the fee on January 1, 1988, and authorize the board to increase the fees only on and after January 1, 1989

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Funeral Directors and Embalmers Fund Because this bill would

---

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

increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 683 (AB 1894) Elder. State employees· flexible benefits plan

Under existing law, a state employee or annuitant is not authorized to enroll in a flexible benefits plan.

This bill would permit participation in a flexible benefits program for specified employees.

Under existing law, transfer of enrollment from one health benefits plan to another may be made by an employee or annuitant at the time and under the conditions as prescribed by the Board of Administration of the Public Employees' Retirement System

This bill would require that a nonrepresented employee who is enrolled in a flexible benefits plan be given the option to elect coverage in any health plan which is contracted for by the board 30 days prior to or 30 days following retirement, and on an annual basis thereafter, and receive the employer's contribution toward the health benefit plan.

The bill would also require that a nonrepresented employee be given the option to elect coverage in any plan which is contracted for by the board during the first health benefits open enrollment period following any personnel transaction which changes the status of that employee to a represented employee

Ch. 684 (SB 1244) Robbins. Foreign national and regional banking holding companies.

Existing law regulates the activities of foreign national bank holding companies and foreign regional bank holding companies

This bill would provide that specified provisions of existing law shall not be construed to prohibit, to the extent authorized as specified, the acquisition of, merger or consolidation with, or the acquisition of the assets of, a California bank or bank holding company by a bank or a bank holding company that has, or is controlled by a company that has, its head office located, or its operations principally conducted, outside the United States, under any of specified conditions It would also specify that nothing in the California Interstate (Regional) Banking Act of 1986 prohibits any company, as defined, from acquiring a credit card portfolio, or portions thereof, from a California bank.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 685 (AB 2437) Quackenbush. Alcoholic beverages: school grounds

Existing law makes it unlawful to possess, consume, sell, give, or deliver to any other person, any alcoholic beverages in or on any public schoolhouse or any of the grounds thereof, with specified exceptions, including an exception if the alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built by a nonprofit organization on property owned by a community college district and leased to the organization in the County of Riverside

This bill would revise that exception to provide that the event not be sponsored by any college and be held at a performing arts facility, as defined, built on property owned by a community college district and leased to a nonprofit organization

This bill would additionally exempt from the prohibition wine for sacramental purposes used only during authorized religious services held on or before January 1, 1995

This bill would also exempt from the prohibition alcoholic beverages acquired, possessed, or used during an event at a community center owned by a community services district which event would not be held at a time when students are attending a public school sponsored activity at the center

The bill would also exempt beer and wine served at an event to be held on May 14, 1988, celebrating the 100th anniversary of a city located in Stanislaus county.

Ch. 686 (AB 1959) Filante. Medi-Cal.

Existing law authorizes the San Mateo County Board of Supervisors to establish a commission to negotiate a contract with the California Medical Assistance Commission for the provision of health care services.

This bill would specify that a member of that commission shall not be deemed to be interested in a contract entered into by the commission for purposes of provisions of law

---

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

prohibiting certain contractual conflicts of interest, in specified circumstances.

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, 1987, 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 make that prohibition permanent

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 687 (SB 425) McCorquodale Mentally disordered offenders: treatment

(1) Under existing law, a communication between a patient and the patient's psychotherapist is a privileged communication, except as specified.

This bill would provide that there is no privileged communication if the psychotherapist is appointed by the Board of Prison Terms, pursuant to specified provisions, to examine a prisoner

(2) Existing law provides for the placement on outpatient status of mentally disordered criminal offenders, as specified, and refers to that program as the "Conditional Release Program "

This bill would rename that program the "Mental Health Conditional Release Program "

(3) Existing law provides for inpatient or outpatient treatment of certain convicted felons with a severe mental disorder as a condition of parole, and for their continued treatment upon termination of parole or release from prison. Under that law, and prior to release on parole, a chief psychiatrist of the Department of Corrections is required to certify to the Board of Prison Terms that the prisoner has a severe mental disorder, that the disorder is not in remission, or cannot be kept in remission without treatment, and that the severe mental disorder was one of the causes or was an aggravating factor in the prisoner's criminal behavior.

This bill would additionally require that certification to include findings that the prisoner has been in treatment for the severe mental disorder for 90 days or more within the year prior to the parole release day, and that the prisoner used force or violence or caused serious bodily injury in committing the crime for which the prisoner was sentenced to prison The bill would also specify evidence which can be used to establish the fact that the prisoner has received treatment for 90 days or more.

(4) Existing law authorizes a prisoner to request a hearing before the Board of Prison Terms for purposes of proving that the prisoner meets specified criteria for treatment by the State Department of Mental Health as a condition of parole. Existing law provides that if the prisoner disagrees with the determination of the board, he or she may file a petition for a hearing in the superior court on whether he or she meets the criteria for treatment by the State Department of Mental Health.

This bill would specify that the superior court hearing shall be for the purpose of determining whether the prisoner, as of the date of the Board of Prison Terms hearing, has met the prescribed criteria for treatment by the department.

Ch 688 (SB 457) Keene State Bar of California

Existing provisions of the State Constitution and statutory law establish the State Bar of California and provide for its powers and duties. An existing statute, operative until January 1, 1988, authorizes the Board of Governors of the State Bar to fix the annual membership fee for active members, for 1987, at $200 for persons admitted to the practice of law for 3 years or longer, $140 for persons admitted for less than 3 years but more than one year, and $110 for persons admitted for less than one year, as specified

This bill would authorize the Board of Governors to set the annual fee for 1988 at $215, $147, and a sum not exceeding $116, respectively.

The bill also would require the Board of Governors to contract with an independent expert for a study of the State Bar's affirmative action program with regard to its employees, to be submitted to the Committees on Judiciary of each house of the Legislature by September 1, 1988; specify elements to be included in its proposed budget, which

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

is required to be submitted to the Legislature each year by existing law; prohibit the reduction of funding for discipline programs in 1988 below the level proposed in the proposed budget submitted to the Legislature in 1987, as specified; and authorize a fee for buildings and land authorized to be imposed on State Bar members by existing law to be expended only on the construction of a State Bar facility in Los Angeles, but would require the submission of plans and cost estimates, as specified, to the Judiciary Committees of each house of the Legislature for review prior to entering into any agreement for the construction of that facility

Ch 689 (SB 733) Kopp. Vehicles local traffic regulations

(1) Under existing law, local authorities, as defined, may adopt rules and regulations to control traffic flow on highways under their jurisdiction for specified purposes and subject to specified conditions, but may not use gates or other selective devices to permit certain members of the public access to the highway while restricting others Included in those conditions are use of official signal devices and diversion of traffic from congested highways upon specified findings of congestion by a peace officer.

This bill would, as an exception to the prohibition on restricted access, authorize a city and county, after a public hearing, to limit, until January 1, 1990, vehicular access to a street, or portion thereof, of specified physical configuration to residents, persons having business on that street, and emergency vehicles.

Under other existing provisions of the Vehicle Code, violations of the regulations under the bill would be crimes, thus 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 690 (SB 300) Ayala 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 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 repeal the provisions operative January 1, 1989, and expand and continue the existing provisions indefinitely The bill would add a requirement that elective county officers comment on the findings and recommendations of the grand jury. Comments by the governing body of a public agency and by elective public officers would be limited to matters under their respective control The bill would also expand the requirements for filing comments and reports The bill would impose a state-mandated local program by extending and expanding 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

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

Ch. 691 (SB 247) Torres. Restrooms in facilities where the public congregates

Under existing law, public agencies conducting establishments serving the public or open to the public which maintain restrooms are required to maintain free restrooms for both sexes.

This bill would require that publicly and privately owned facilities, except hotels, restaurants, food facilities, public or private elementary or secondary school facilities, and historic buildings, as specified, where the public congregates, as defined, be equipped with sufficient temporary or permanent restrooms to meet the needs of the public at peak hours. The State Building Standards Commission and the office of the State Architect would be required to adopt building standards to enforce the requirement.

The bill would, however, apply only to a facility which commences construction, or which undertakes structural alterations, repairs, or improvements exceeding 50% of the entire facility on or after January 1, 1989

The bill would express the intent of the Legislature that the Office of the State Architect and the State Building Standards Commission hold a series of public meetings with representatives of affected industries and state and local agencies prior to adopting standards under the bill

Ch. 692 (SB 107) L. Greene. Municipal utility districts.

(1) Under the Municipal Utility District Act, the board of directors of a municipal utility district is authorized to create positions necessary for it to carry out its functions

This bill would authorize the board of a district which has owned and operated an electric distribution system for a specified period and has a specified population, as designated in the bill, to delegate any or all of that authority to its general manager.

(2) Under that act, the board of a district having 600 or more employees is authorized to appoint a maximum of 15 employees with specified qualifications to positions exempt from the district civil service

This bill would authorize the board of a district designated in the bill to determine that additional positions requiring peculiar and exceptional qualifications, as specified, be exempt if the total of exempt positions for the district does not exceed 2% of the district's total civil service positions. The bill would prohibit the board from determining any position to be exempt under these provisions as long as it is filled by a civil service employee

The bill would permit the board of a district designated in the bill to appoint or remove only those officers or employees who are exempt from civil service and who either report directly to the board or to another officer who reports directly to the board, and would specify that all other exempt officers and employees are appointed by, and serve at the pleasure of, the general manager The bill would permit the board and the general manager to employ these officers and employees by contract not to exceed 5 years in duration.

(3) Under that act, a district that has owned or operated an electric or water distribution system for 10 years or more may make payments approved by the general manager without prior board approval if the accounting system maintained by the district is one that is prescribed by the Public Utilities Commission, as specified.

This bill would delete the application of that provision to a district which has owned and operated an electric distribution system for at least 10 years, and would, instead, authorize a district designated in the bill to make those payments, as specified above, if it maintains a generally accepted accounting system

(4) Under that act, the board of a district may create a revolving fund, not to exceed $100,000, to facilitate district business.

This bill would, for a district designated in the bill, increase the revolving fund limit to $200,000.

(5) Under that act, a board member is authorized to receive a compensation of $100 per day for attending meetings or for each day's service on board business, as specified, but not to exceed 6 days in any month However, each director of a board having 7 directors may receive compensation not to exceed $100 per day for attending meetings or for other service at the request of the board, not to exceed a total of 6 days per month,

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

or, in lieu of that compensation, a salary not to exceed $600 per month, which may be increased by not more than 5% per calendar year, as specified.

This bill would, for a district having 7 directors, revise these provisions to permit the district to provide, by resolution or ordinance, that each director may receive the compensation or salary specified, and would prohibit any ordinance or resolution establishing compensation under these provisions from also providing for any automatic increase in that compensation. The bill would also enact similar provisions for board members of a district designated in the bill, but would authorize compensation for 10 days of service a month.

(6) Under that act, the general manager of a district may make a noncivil service appointment for not more than 6 months when no eligible personnel are available.

This bill would, for a district designated in the bill, extend that period of appointment to a maximum of 12 months.

(7) Under that act, the purchase of supplies and materials by a district in excess of $20,000 is required to be let to the lowest responsible bidder, and the board may authorize the general manager to determine whether to reject all bids and to readvertise for bids

This bill would, for a district designated in the bill, permit the board to authorize the general manager to determine the lowest responsible bidder and to award a contract to that bidder.

(8) Under that act, a district may borrow up to $25,000,000 to purchase electricity

This bill would, for a district designated in the bill, increase this limit to $75,000,000, if the term does not exceed one year. The provision would be repealed on January 1, 1990.

Ch. 693 (SB 743) L Greene. Professional and civil engineers

Existing law, which became effective January 1, 1986, provides that the second division of the examination for registration as a professional engineer shall cover seismic principles and engineering surveying principles.

This bill would provide that the second division of the examination shall cover those principles on and after April 1, 1988. It would also provide that a registration for a civil engineer shall not be issued on or after January 1, 1988, unless the applicant has successfully completed questions to test his or her knowledge of those principles. This bill also would state that it is the intent of the Legislature to confirm the authority of the State Board of Registration for Professional Engineers and Land Surveyors with regard to issuing registrations prior to April 1, 1988, to applicants not tested on those principles.

Ch. 694 (SB 758) Rosenthal State Energy Resources Conservation and Development Commission: electricity reports.

Under the State Energy Resources Conservation and Development Act, every electric utility in the state is required to periodically prepare and submit to the State Energy Resources Conservation and Development Commission a report specifying forecasts or assessments of loads and resources for its service area which the commission reviews and evaluates, and on the basis of which the commission prepares a draft, a draft final, and a final electricity report.

This bill would direct the commission to use specified procedures in the conduct of its hearings in the preparation of these reports, and would authorize the commission to adopt further procedures, as specified.

The bill would also require the commission, in issuing its final electricity report, to describe how the hearing record supports its policy decisions.

Ch. 695 (SB 818) Rosenthal. Public Utilities Commission annual work plan access guide.

Existing law requires the Public Utilities Commission to establish an office of the public advisor to assist members of the public and ratepayers to participate in commission hearings or proceedings open to the public.

This bill would require the commission to develop, publish, and annually update a specified annual work plan access guide describing scheduled ratemaking proceedings

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

and other decisions and to annually transmit a copy of the guide to the Legislature between January 15 and February 1 of each year.

Ch. 696 (SB 867) Ayala Meetings imposition of fees, charges, or dedications.

(1) The Ralph M. Brown Act generally requires that meetings of the legislative bodies of local agencies be open and public The act requires that a prescribed notice be given of special meetings, and that agendas be published under specified circumstances, but does not impose a notice requirement with regard to meetings involving fees, charges, or dedications Various other provisions of law require notice in enumerated contexts for this purpose

This bill would require a prescribed 10-day newspaper notice and a public hearing at which oral or written presentations can be made, with respect to any meeting to adopt or increase a fee other than a rate or charge for water, sewer, or electrical service, if the adopting or increasing of the fee is not subject to another statutory notice requirement other than the notice prescribed by the Ralph M. Brown Act. The bill would authorize the local agency to recover its costs from any fees imposed or increased

In imposing the notice requirement, 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, 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 for certain costs no reimbursement is required by this act for a specified reason

Moreover, the bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for other 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 those other costs.

Ch 697 (SB 975) Bergeson. Child care.

Existing law establishes the State Child Care Facilities Fund, a continuously appropriated fund, from which funds may be appropriated to provide extended day care services, for lease to qualifying agencies, as specified.

This bill would authorize the State Allocation Board to authorize the expenditure of moneys in that fund for the purpose of reimbursing any public, nonprofit joint powers agency that was formed during 1984 for costs incurred after January 1, 1986, for the installation of initial utility services in any relocatable child care and development facility acquired with other than state funds This provision would constitute an appropriation

Ch. 698 (SB 1419) Dills. Public contracts construction project management services

Existing law declares, as a matter of public policy, that contracts negotiated by the state or its political subdivisions for architectural, engineering, or land surveying services must be based on demonstrated competence and professional qualifications for the services required, rather than competitive bidding

Existing law further requires specified state officers and employees to adopt procedures to assure that these services are so engaged at fair and reasonable prices to the public agencies and that there is maximum participation by small business firms

This bill would additionally apply these provisions to the negotiation of contracts for construction project management services. The bill would also require that any individual or firm proposing to provide construction project management services to a state agency provide evidence that the individual or firm and its personnel carrying out onsite responsibilities have specified expertise and experience.

Ch 699 (SB 1503) Montoya Real property appraisals.

Existing law, which will become operative on January 1, 1988, establishes standards for

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

defined certified appraisals and reports and imposes specified duties on appraisers in connection therewith. Under that law, state agencies are prohibited, prior to January 1, 1989, from requiring certified appraisals or certified appraisal reports, without express statutory authorization, in connection with transactions to which the state is not a party.

This bill would repeal the prohibition applicable to state agencies.

Ch. 700 (SB 1541) Keene. Concealable weapons.

(1) Existing law provides that any person who carries concealed within any vehicle which is under the person's control or direction or otherwise carries concealed upon his or her person any concealable firearm without having a license to carry that firearm is guilty of a misdemeanor. Existing law also sets forth numerous exemptions from the application of these prohibitions, including, but not limited to, allowing the carrying of a concealable firearm by persons when going directly to or from any motor vehicle for any lawful purpose and while carrying that firearm if it is contained in a locked container, as defined

This bill would in addition exempt from the application of the prohibitions certain activities under the following circumstances: (a) the possession of a firearm by an authorized participant in a motion picture, television, or video production or entertainment event when the participant lawfully uses the firearm as part of the production or event or while going directly to or directly from the production or event; (b) the transportation of a firearm by a participant when going directly to or coming directly from a recognized safety or hunter safety class, or a recognized sporting event; (c) the transportation of a firearm by any person authorized by law to keep the firearm at his or her residence or place of business when going directly between his or her residence and place of business; (d) the transportation of a firearm by a person when going directly to or coming directly from a fixed place of business for purposes of repairing, trading, selling, or otherwise lawfully transferring that firearm, (e) the transportation of a firearm by a person when going directly to or coming directly from a private residential property for the purposes of legally transferring that firearm to a person who may legally possess the firearm, (f) the transportation of a firearm by a person when going directly to or coming directly from a gun show, swap meet, or similar event to which the public is invited for purposes of displaying the firearm; (g) the transportation of a firearm by a person when going directly to or coming directly from a fixed place of business or private residential property for the purpose of the lawful repair or the lawful transfer of that firearm; (h) the transportation of a firearm by a person exempted by specified provisions of current law when going directly from the place where the person lawfully received the firearm to that person's place of residence or place of business; and (i) the transportation of a firearm by an authorized employee or agent of a supplier of firearms when going directly to or coming directly from a motion picture, television, or video production or entertainment event for the purpose of providing that firearm to an authorized participant to lawfully use as a part of the production or event The bill would require, for the above purposes, that the firearm be contained in a locked container, as defined, and that the course of travel include only those deviations in travel between authorized locations as are reasonably necessary under the circumstances. It would also state that the provisions of the bill do not prohibit or restrict otherwise lawful carrying or transporting of concealable firearms.

The bill would delete the existing exemption for members of antique gun clubs and would instead provide for an exemption for members of any club organized for the purpose of lawfully collecting and lawfully displaying firearms, as specified.

The above provisions would be repealed on January 1, 1991.

(2) Existing law exempts from the law prohibiting the concealed carrying of concealable firearms the possession or transportation of concealable firearms by specified persons, including, but not limited to, merchants of firearms.

This bill would specify that the above exemptions relating to merchants only apply if the person is licensed to engage in the business of manufacturing, repairing, or dealing in firearms. The bill would additionally exempt from the above prohibition the transportation of unloaded firearms by a person operating a licensed common carrier or that person's authorized agent or employee when transporting the firearms in conformance

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

with applicable federal law.

(3) Under existing law, a concealable firearm may not be delivered to a purchaser unless it is unloaded and securely wrapped.

This bill would alternatively allow for the delivery of a concealable firearm if it is contained in a locked container.

This bill would incorporate additional changes in Section 12027 of the Penal Code, proposed by AB 2559, to be operative only if AB 2559 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch 701 (SB 1589) Campbell. Accountancy.

Existing law authorizes the State Board of Accountancy to establish fees, up to a specified maximum amount, for the licensing and regulation of persons engaged in the practice of accountancy.

This bill would increase the maximum amount of those fees.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Accountancy Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 702 (AB 2442) Farr. Commercial passenger fishing

(1) Under existing law, persons taking fish or amphibia for profit or bringing fish ashore to sell are required to obtain a commercial fishing license. Persons fishing for salmon for commercial purposes are also required to obtain a commercial fishing salmon stamp, excepting one crewmember on a vessel for which the owner or operator has been issued an additional crewmember stamp and excepting persons 70 years or more of age, as specified. The owner or operator of a vessel who holds a commercial salmon vessel permit is also required to obtain a stamp for the vessel whether or not engaged in commercial salmon fishing Reduced fees are required for stamps issued to persons 18 years of age or less under specified conditions. Until January 1, 1989, a commercial passenger fishing boat owner or operator operating in waters north of Point Arguello is required to obtain one commercial fishing salmon stamp for the operator and an additional stamp for each crewmember required by the regulations of the United States Coast Guard, which stamps are required to be affixed to the boat license.

This bill would revise and recast those provisions. The bill would require every person who is under 70 years of age on board a vessel in ocean waters on which salmon are being taken or transported for commercial purposes to have a commercial fishing salmon stamp except as specified, would remove conditions for reduced fees for commercial fishing licenses and those salmon stamps for persons under 18 years of age, would provide for free commercial fishing licenses for persons under 14 years of age, and would require at least one salmon stamp for the operator and each specified crewmember, unless exempted, on board a commercial passenger fishing boat to be aboard when salmon are taken or transported on the boat.

The bill would require the department to refund commercial salmon stamp fees paid in the 1987 license year by commercial passenger fishing boat owners or operators who are not landing salmon taken under sportfishing licenses, as specified, and would make legislative findings relating thereto.

The bill would provide for related matters

Because violations of the bill would be crimes pursuant to other existing provisions of the Fish and Game Code, the bill would impose a state-mandated local program.

(2) Existing law requires fees from the issue of specified commercial fishing salmon stamps to be placed in a special account in the Fish and Game Preservation Fund and declares the uses for which the funds may be appropriated by the Legislature. Existing law also requires the fees for the stamps to be reduced unless specified expenditures are made.

This bill would designate the account to be the Commercial Salmon Stamp Account and would continuously appropriate the fees, after deducting specified administrative costs, in the account to the Department of Fish and Game for the specified purposes.

(3) Existing law establishes the Commercial Salmon Trollers Advisory Committee consisting of 5 members selected, as specified.

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

This bill would increase the committee by one member selected from a list submitted by a specified organization.

(4) Existing law prohibits use of gill nets and trammel nets in certain ocean waters

This bill would also prohibit use of those nets in waters offshore of San Nicolas Island after sea otters are released there, as specified.

(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) Existing law continuously appropriates the Fish and Game Preservation Fund to the department to carry out its duties.

Because the bill would change the duties of the department and require specified refunds from the fund, the bill would make an appropriation

(7) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 703 (AB 1054) Bader Property taxation.

Under the existing property tax laws, the State Board of Equalization is required to prescribe all procedures and forms required to carry into effect the veterans', veteran's organization, church, cemetery, college, exhibition, religious, welfare, free public libraries, free museums, public schools, homeowners', and transshipment property tax exemption.

This bill would provide that those procedures shall be deemed satisfied by a lessor under a contract designated as a lease between that lessor and an entity using property which qualifies for the property tax exemption provided for by subdivision (d) or (e) of Section 3 of Article XIII of the California Constitution under which the lessee has the option at the end of the lease term of acquiring the property described in the lease for $1 or any other nominal sum, by submission to the assessor within 120 days of the commencement date of the lease, or 120 days after the effective date of the bill with respect to any existing lease, whichever is later, information which may be requested by the State Board of Equalization with respect to the lease. It also would provide that no filing or application for exemption shall thereafter be required by the lessor with respect to that lease unless the option terms of the lease change

Under the existing property tax laws, taxpayers may be required by the county or other assessor to file statements of property owned in the county, and persons owning personal property of a value in excess of $30,000 are required to file those statements. Those statements must show all taxable property owned, claimed, possessed, controlled, or managed by the person making the statement

This bill would provide that property which is now or hereafter the subject of a contract designated as a lease wherein the property being leased qualifies for the property tax exemption provided for by subdivision (d) or (e) of Section 3 of Article XIII of the California Constitution, and the lessee has the option of acquiring the property leased at the end of the lease term for $1, or any other nominal consideration, shall be regarded as owned by the lessee and shall not be required to be shown on any property statement of the lessor

Ch 704 (AB 1068) La Follette. Minors: witnesses

Existing law provides that a prosecuting witness 16 years of age or under in prosecutions for specified sex offenses is entitled for support to the attendance of up to 2 family members of his or her choosing at the preliminary hearing and at the trial

This bill would also provide that a prosecuting witness is so entitled in a juvenile court proceeding, as specified

The bill also would make a technical, conforming change

The bill also would make additional changes in Section 868.5 of the Penal Code contingent upon the prior chaptering of AB 1359

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

Ch 705 (AB 1073) Stirling. Missing person reports.

(1) Existing law requires all local police and sheriffs' departments to accept any report, including any telephonic report, of a missing person, including runaways, without delay, and prescribes the requirements applicable to the handling of these reports.

This bill would require that local police and sheriffs' departments give priority to the handling of these reports. It also would authorize the California Highway Patrol to take a report of a missing person or runaway, and it would require the California Highway Patrol to immediately advise a person making a report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person or runaway and of the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. The bill would also require the Department of the California Highway Patrol, by June 30, 1988, to develop, adopt, and implement a written policy for coordinating each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways, and it would require the department to report to the Legislature on or before June 30, 1989, regarding the described written policy.

(2) Existing law sets forth numerous training and certification programs that the Commission on Peace Officer Standards and Training is responsible to administer.

This bill would require the commission to implement by July 1, 1988, a course or courses of instruction, as specified, for the training of law enforcement officers and law enforcement dispatchers in the handling of missing person and runaway cases and to develop guidelines, as specified, for law enforcement response to missing person and runaway cases.

This bill would require the course of basic training for law enforcement officers and law enforcement dispatchers, not later than January 1, 1989, to include adequate instruction in the handling of missing person and runaway cases pursuant to this bill. This bill would require all law enforcement officers and law enforcement dispatchers who have received their basic training before January 1, 1989, to participate in supplementary training on missing person and runaway cases, as prescribed and certified by the commission, and would require this training to be completed not later than January 1, 1991.

(3) The bill would appropriate $50,000 from the Peace Officers' Training Fund to the Commission on Peace Officer Standards and Training for the purposes set forth under paragraph (2).

Ch. 706 (AB 1152) O'Connell Sentences.

(1) Existing law imposes sentence enhancements for the commission of certain felonies, as specified.

This bill would provide that any person who, for the purpose of committing a felony, administers by injection, inhalation, ingestion, or any other means, a controlled substance listed in specified provisions of current law, against the victim's will by force, violence, or fear of immediate and unlawful bodily injury to the victim or another person, shall, in addition and consecutive to the penalty provided for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of 3 years.

(2) Existing law provides that whenever a person is committed to prison on a life sentence which is ordered to run consecutive to any determinate term of imprisonment imposed pursuant to specific sentencing statutes, the determinate term of imprisonment shall be served first and no part of that sentence shall be credited toward the person's eligibility for parole.

This bill would include the enhancement which would be added by this bill, imposed for the administration of controlled substances for the purposes of committing a felony, among the above sentencing statutes providing for a determinate term of imprisonment.

(3) Existing law allows appeals from the illegal imposition of a sentence, except as specified The provisions that set forth the instances when the people may appeal do not authorize an appeal from an order granting probation, but do provide that the people may seek appellate review of a grant of probation, as specified, by a petition for a writ of mandate or prohibition. These provisions are to remain in effect until January 1, 1988.

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

This bill would provide that these provisions shall remain in effect until January 1, 1989

(4) Existing law, with specified exceptions, provides that when a person is convicted of 2 or more felonies and a consecutive term of imprisonment is imposed under specified provisions of current law, the aggregate term of imprisonment for all of those convictions shall be the sum of the principal term, the subordinate term, and any additional terms imposed pursuant to specified provisions of current law Existing law requires the enhancements provided for under current law to be pled and proven as provided by law.

This bill would include the enhancement imposed for the administration of a controlled substance for purposes of committing a felony among the enhancements which must be calculated and pled and proven.

Existing law prohibits the term of imprisonment from exceeding twice the number of years imposed by the trial court as the base term unless, among other things, an enhancement is imposed pursuant to specified provisions of current law. Existing law also authorizes the court, notwithstanding any other provision of law, to strike the additional punishment for designated enhancements if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment

This bill would include the enhancement imposed for the administration of a controlled substance for purposes of committing a felony among the above provisions

(5) This bill would incorporate additional changes in Section 1170.1 of the Penal Code, proposed by AB 1559, to be operative only if AB 1559 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch 707 (AB 1387) Lewis Manufactured structures.

(1) Existing law makes certain violations of the Mobilehomes-Manufactured Housing Act of 1980 subject to prescribed criminal penalties and makes violation of certain federal law enforced thereunder subject to specified civil penalties.

This bill would authorize the Director of Housing and Community Development to issue cease and desist orders for those violations and to obtain injunctions and restitution, as specified.

(2) Under existing law, the Department of Housing and Community Development is authorized to adopt and enforce construction regulations for commercial coaches which are required to be reasonably consistent with specified standards of the American National Standards Institute

This bill would delete this consistency requirement and authorize the department to adopt and enforce construction regulations for special purpose commercial coaches The bill would make related and clarifying changes. The bill would require the regulations for commercial coaches to be based on specified model codes, and would require special purpose commercial coaches to comply with these regulations where their use is or intended to be for a module of a permanently constructed building.

(3) Since violation of the regulations adopted pursuant to the provisions enacted by the bill would be a misdemeanor, the bill would impose 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. 708 (AB 1409) Frazee. Telephone sales

(1) Under existing law, a telephonic seller, defined as any person who offers to sell a prospective purchaser any gold, silver, or other metal, diamonds, rubies, sapphires, or other stones, coal or other minerals, or any interest in oil, gas, or mineral fields, wells, or exploration sites, is required to register with the Department of Justice before doing business in this state.

This bill would expand the items offered for sale to include coins and any other investment opportunity of any type whatsoever. Since the failure to register is a crime, this bill would create a state-mandated local program by expanding the definition of a

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

crime.

Existing law exempts from the definition of "telephonic seller" among other things, a solicitation for sales of securities qualified or exempt under the Corporate Securities Law of 1968, solicitation for sales of franchises registered with the Department of Corporations or exempt therefrom, and solicitations to be followed by closing of the sale at a face-to-face meeting

This bill would revise the exemptions for qualified securities and would provide that only those persons soliciting without the intent to complete and who do not complete the sales presentation during a telephone solicitation but complete the sales presentation at a later face-to-face meeting between the solicitor and the prospective purchaser qualify for the above mentioned face-to-face exemption.

This bill would create new exemptions for (1) persons soliciting a transaction regulated by the Commodity Futures Trading Commission if the person is registered or temporarily licensed for this activity with the commission and the registration or license has not expired or been suspended or revoked, (2) persons who sell coins or bullion at a price not more than 25% more than the price at which the seller is currently buying the coins or bullion and who otherwise qualifies, as specified, and (3) a person licensed to engage in the business of receiving money for the purpose of transmitting it to foreign countries if the person's license has not expired or been suspended or revoked.

This bill would also specify that in a civil proceeding, the burden of proving an exemption or exception from a definition is upon the person claiming it and in a criminal proceeding the burden of producing evidence to support a defense based on an exemption or exception from a definition is also upon the person claiming it.

(2) Under existing law, a seller is required to file an addendum to the seller's annual registration form to provide information on the changes in salespersons soliciting on behalf of the seller.

This bill would require that the addendum provide the required information as to all salespersons who are currently soliciting or have solicited on behalf of the seller at any time during the period between the filing of the registration or the last addendum, and the current addendum, including salespersons no longer soliciting for the seller as of the date of the filing of the current addendum

(3) Existing law requires the seller to post the confirmation of receipt of filing received from the Department of Justice at each business location of the seller, or until the confirmation is received, to post the first page of the submitted registration form

This bill would require the seller to have a copy of the entire registration statement available for inspection by any governmental agency at each location and would also require the seller to post, in close proximity to the confirmation of receipt of filing or first page of the submitted registration form, the name of the individuals in charge of each location, as specified.

(4) Existing law requires that each filing of a registration form contain specific information including a copy of all sales scripts the telephonic seller requires salespersons to use when soliciting prospective purchasers or a statement that no sales scripts are required, and the principal residence address, driver's license number, and state of issuance for each person connected with the seller's business activities, as specified.

This bill would require additional information to be disclosed including, among other things, a description of the items the seller is offering for sale and the birth date of those persons mentioned above.

This bill would also provide that if a person claims the exemption proposed by this bill for sellers of coins or bullion, the person shall file a verified form provided by the Attorney General setting forth, among other things, the name of the person claiming the exemption, the complete street address of the person's retail location, a copy of the person's currently valid business license, and a statement reflecting the dollar amount of the person's sales made telephonically during the 12 months preceding the filing.

The California Constitution requires 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

---

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

reason.

Ch. 709 (AB 1420) La Follette. Abandoned and scrap vehicles.

(1) Existing law requires the registration of, and payment of registration fees to the Department of Motor Vehicles for, any vehicle driven, moved, or left standing on the highways or in an offstreet public parking facility.

This bill would exempt a scrap metal processor, as defined, from submitting a certificate of nonoperation or payment of past due registration fees for any vehicle if specified documents are submitted to the department prior to reducing the vehicle to its component materials. The bill would prohibit reconstruction or making that vehicle operable, except for a vehicle which qualifies for either horseless carriage or historical vehicle license plates. A violation of this prohibition would be a crime pursuant to other provisions, thereby imposing a state-mandated local program

The bill would also exempt a scrap metal processor which complies with these provisions from other documentation requirements, as specified.

(2) The bill would also incorporate additional changes in Section 221 of the Vehicle Code, proposed by SB 1132, to be operative only if this bill and SB 1132 are both 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

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

Ch 710 (AB 1432) Wyman Tehachapi Archaeological Site

Under existing law, the Department of Parks and Recreation has control of the state park system

This bill would require the department to study the archaeological significance of the Tehachapi Archaeological Site and to report the results of the study to the Legislature by February 1, 1988

Ch. 711 (AB 1459) Farr Biotechnology

Existing law provides that the Office of Business Development of the Department of Commerce shall carry out specified functions relating to the business community.

This bill would state various legislative findings concerning the California biotechnology industry. It would require the office to act as a clearinghouse and referral service for information on biotechnology research, regulations, product development, and policy issues, and to refer to other agencies inquiries in those areas.

This bill's requirements concerning the clearinghouse and referral service would sunset on January 1, 1992

This bill would declare that it is the Legislature's intent that any costs for complying with its provisions be funded from existing resources of the Department of Commerce.

Ch. 712 (AB 1516) Mountjoy. State property: arboretum

Under existing law, the Director of General Services is authorized to approve the transfer of state property from one state agency to another state agency The director may authorize the payment of such consideration as he or she deems proper. Pursuant to Section 1 of Article XI of the California Constitution, a county is a political subdivision of the state.

This bill would require the director to quitclaim to the County of Los Angeles, at no cost to the county, all state interest in the state and county arboretum in Arcadia, California.

The bill would also require the Director of General Services to quitclaim to the County of Los Angeles, at no cost to the county, all state interest in the Lux Arboretum.

The bill would grant the state the right to regain the property if certain conditions are not met

This bill would further require, as to any property quitclaimed under its provisions, that the director except and reserve to the state all mineral deposits, as specified

---

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

Ch. 713 (AB 1612) O'Connell Probation: payment of costs of emergency response.

Existing law provides that 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, is liable for the expense of that emergency response, as defined, by a public agency. A defendant is also required to reimburse for various other judgment and execution expenses, as specified.

This bill would, additionally, provide that the collection of emergency response costs is the responsibility of the public agency seeking reimbursement, as specified.

Existing law authorizes the court in a criminal proceeding, in granting probation or suspending the imposition or execution of sentence, to consider whether the defendant shall be required, as a condition of probation, to make restitution to the victim of the offense or the Restitution Fund, as specified.

This bill would also require the court to consider whether the defendant, as a condition of probation, shall make restitution to a public agency for the costs of an emergency response pursuant to specified provisions

Ch. 714 (AB 1672) Johnston. Financial institutions: banks.

Existing law authorizes a bank to distribute to shareholders an amount not exceeding the net income of the bank for its last fiscal year.

This bill would instead authorize a distribution in an amount not exceeding the greatest of the retained earnings of the bank, the net income for the last fiscal year, or the net income for its current fiscal year.

Existing law generally makes banks incorporated under the laws of this state subject to the jurisdiction of the Superintendent of Banks.

This bill would, after notice and hearing, authorize the superintendent to suspend or remove any director, officer, or employee of a bank, or other specified persons, if that person has engaged in any of certain specified acts and practices .

The bill would authorize a person subject to suspension or removal to file an application for a hearing on the order. The bill would provide that it is unlawful for a subject person or former subject person to whom an order has been issued to serve or act as a director, officer, employee, or agent of the bank, or to vote shares or otherwise participate in the conduct of a bank. A violation would subject the person to a civil penalty levied by the superintendent. A violation would also be a felony or a misdemeanor, and thus the 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 715 (AB 1673) Johnston. Mortgages

Existing law does not prohibit lending institutions from requiring a borrower of money secured by real property to obtain fire insurance in excess of the value of the improvements to the property.

This bill would provide that no lender shall require a borrower under a loan secured by real property to provide hazard insurance in excess of the replacement value of improvements on the property, as specified. The bill would provide that any person harmed by a violation of the provision is entitled to injunctive relief and may recover damages and attorney fees.

Ch. 716 (AB 1938) Quackenbush. Mechanics' liens: notices.

Under existing law, as a precondition to claiming a mechanic's lien, a claimant, not under direct contract with the property owner, is required, with certain exceptions, to provide a specified preliminary 20-day notice (private work) to the owner or reputed

---

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

owner, to the original contractor or reputed contractor, and to the construction lender or reputed construction lender, if any.

This bill would allow the claimant to file the preliminary 20-day notice with the county recorder. The bill would require the county recorder, if a notice of completion or notice of cessation with respect to the work of improvement is recorded, to mail a notification to the claimant endorsed with the date the notice of completion or cessation is recorded. This requirement would impose a state-mandated local program.

This bill would also provide that the failure of the county recorder to mail the notification or the failure of the person who filed the preliminary 20-day notice to receive the required notification does not affect the time within which a claim of lien must be recorded, 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. 717 (AB 2006) Kelley Fish and Game Commission.

(1) Existing law, until January 1, 1990, requires the Fish and Game Commission to hold 8 meetings a year specifically to adopt regulations regarding fish, amphibia, reptiles, game birds, and mammals according to a prescribed schedule and to mail and publish those regulations, as specified.

This bill would revise these requirements and, instead, require the commission to hold 4 meetings in odd-numbered years regarding fish, amphibia, and reptiles; 3 meetings annually regarding mammals, and 2 meetings annually regarding game birds.

(2) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the commission to pay compensation and expenses of the commission

Because this bill would impose new costs for publications on the commission, the bill would make an appropriation

Ch. 718 (AB 2008) Kelley Front axle weight limits. exemptions ground clearance.

(1) Existing law exempts specified vehicles from front axle weight limits prescribed generally for vehicles on a highway

This bill would also exempt state and county weights and measures vehicles used for testing weighing devices and governmental fire service vehicles from these maximum weight limits.

(2) Existing law prohibits a person from operating a motor vehicle with a body floor more than 4 inches above the top of the frame, as defined.

This bill would increase the distance to 5 inches.

Ch. 719 (AB 2098) Peace Driving offenses: ignition interlocks.

Under existing law, the Office of Traffic Safety is required to implement a pilot program in 4 counties for the use of ignition interlock devices as a condition of probation imposed by the court on persons convicted of a violation of the prohibition against driving a motor vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving while addicted

Existing law also requires that those offenders be required to pay a fine of at least $390 as a term or condition of probation if the offender is granted probation.

This bill would, notwithstanding those requirements for minimum fines, authorize a court in any of the 4 pilot counties to impose any fine which is less than the maximum fine prescribed as a condition of probation for a person who is required to install and use an ignition interlock device. The bill would authorize those courts to consider the cost of the device in determining the amount of the fine imposed.

The bill would declare that it is to take effect immediately as an urgency statute

---

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

Ch. 720 (AB 2245) M Waters. Enforcement of judgments for possession of real property.

Existing law, with respect to the issuance of a writ of possession to enforce a judgment for possession of real property, given in an action for unlawful detainer or forcible entry or detainer, authorizes any person not named in the judgment for possession, who resided at the premises on the date of the filing of the action, to object to enforcement of the judgment by filing a claim of right to possession in a prescribed form, as specified. In certain proceedings, the court may deem an unlawful detainer Summons and Complaint to be amended on their faces to include a claimant

This bill would make the above provision applicable to any "occupant," rather than "person." It would also revise existing provisions regarding the amendment of an unlawful detainer Summons and Complaint, and provide for the filing and serving of a supplemental complaint.

The bill would also make related changes.

Ch 721 (AB 2249) Isenberg Healing arts.

Existing law requires specified healing art boards within the Department of Consumer Affairs to create and maintain a central file of licensees of the respective board for the purpose of maintaining a record for each licensee with respect to (a) any conviction of a crime, (b) any malpractice judgment or settlement, (c) any public complaints, and (d) any disciplinary information reported by a health facility, professional society, medical specialty society, health care service plan, or medical care foundation, as specified

Existing law provides that a copy of any report specified in (d) above shall be furnished, upon request, to specified medical institutions, unless the denial, removal, or restriction of privileges or membership was imposed solely because of the failure to complete medical records

The bill would add additional exceptions (1) if a board found the information reported is without merit and (2) if 3 years have elapsed since the report was submitted

The bill would make other related and conforming changes.

Ch. 722 (AB 2272) Bates. Mental health.

Existing law provides for the community residential treatment system as an alternative to institutional care. The system includes a 24-hour program for short-term crisis residential, alternative to hospitalization for individuals experiencing an acute episode or situational crisis Respite care services may be provided as a part of this program.

This bill would delete from the program for short-term crisis residential the requirement that it be a 24-hour program and provide that it is for individuals experiencing an acute episode or crisis, as specified

The bill would include within the programs authorized under the community residential treatment system a program to provide emergency housing or respite care, or both, as specified.

This bill would direct the State Department of Mental Health to develop a long-range plan, as specified, for serving clients aged 21 to 64 currently in skilled nursing facilities under state-certified Special Treatment Programs The department would be required to ensure maximum public participation in development of the plan and to distribute the plan, as specified, on or before September 30, 1988

Ch. 723 (AB 2284) Filante Transportation: day care facilities· youth bus.

(1) Existing law requires the Superintendent of Public Instruction to enter into contractual agreements only with school districts and county offices of education for transportation services for extended day care programs.

This bill would delete that requirement.

(2) Under existing law, a youth bus is any bus other than a schoolbus, as defined, used for transporting children at and below the 12th-grade level from a public or private school to a nonschool-related youth activity within 25 miles of the school

This bill would include, within the definition of "youth bus," a bus used to transport children directly from a location which provides an organized nonschool-related youth

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

activity to a public or private school within 25 miles of that location

(3) Existing law requires schoolbus drivers to complete and be examined on first aid practices deemed necessary for schoolbus operators.

This bill would impose the same requirements on youth bus drivers, thereby imposing a state-mandated local program since violation of the requirements would be an infraction

(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 declare that it is to take effect immediately as an urgency statute

Ch. 724 (AB 2402) Chacon. Evidence psychotherapist-patient privilege.

Existing law provides that a communication between a patient and a psychotherapist shall be privileged and the patient may refuse to disclose or may prevent another from disclosing that communication under specified conditions

This bill would include within the definition of a psychotherapist for purposes of the above provisions a registered psychological assistant, a registered marriage, family, and child counselor intern, and a person registered as an apprentice clinical social worker, if those persons are under specified supervision

Ch. 725 (AB 2636) Cortese Real property security power 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 given as specified

This bill would extend this notice requirement to include those cases involving a resale resulting from a rescission for a failure of consideration, as specified This provision would be applicable only to notices of sale issued on and after July 1, 1988

(2) Existing law requires the notice to contain a statement of the total amount of the unpaid balance of the obligation and reasonably estimated costs, expenses, and advances at the time of the initial publication of the notice of sale

This bill would, in addition, require the notice to include, if the notice is republished pursuant to a cancellation of a cash equivalent, as specified, a reference to the fact that the notice is being republished on that basis. This provision would be applicable only to notices of sale issued on and after July 1, 1988.

(3) Under existing law, if the trustee at a trustee's sale accepts a check drawn by a credit union or a savings and loan association or a cash equivalent designated in the notice of sale, the trustee may withhold the issuance of the trustee's deed to the successful bidder, as specified, until the funds become available to the payee or endorsee as a matter of right.

This bill would provide that, though the trustee's sale is final upon the acceptance of the last and highest bid, the sale is subject to an automatic rescission for a failure of consideration, as specified, and would require the trustee to send a notice of rescission to the last and highest bidder if that bidder's address is known to the trustee

The bill would also provide that if a sale results in an automatic right of rescission for failure of consideration, as specified, the interest of any lienholder shall be reinstated in the same priority as if the previous sale had not occurred.

(4) Under existing law, if the last and highest bidder cancels an instrument submitted to the trustee as a cash equivalent, that bidder is guilty of a misdemeanor, as specified

This bill would, in addition, permit the trustee to recover from that bidder the costs of the new notice of sale, as specified.

Ch 726 (AB 668) Katz. Drivers' records. transit funds

(1) Under existing law, the employer or prospective employer of a driver who drives a tour bus, as defined, is required to make a request to the Department of Motor Vehicles to participate in a notification process for the purpose of providing the employer with a report showing the driver's current public record as recorded by the department, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, or

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

driver's license revocations added to the driver's record while the employer's notification request remains valid and uncanceled.

This bill would revise these provisions to require a prospective employer to obtain a report of the driver and for employers to participate in the notification process. The bill would also make the provisions apply to the employer of any driver who drives a vehicle requiring specified certificates and would make related changes

The bill would also require each transit operator, as defined, which employs any person as a driver of a bus to make a request to the department to participate in the system, as prescribed, and would prohibit the allocation of funds to a transit operator pursuant to specified provisions unless the Department of the California Highway Patrol has certified compliance with these provisions within the last 13 months, as prescribed The bill would authorize the Department of the California Highway Patrol to issue the certificate after a terminal inspection or a terminal reinspection conducted within 60 days thereafter The bill would impose a state-mandated local program since violation of the new requirements would be an infraction.

(2) Existing law defines "tour bus" to mean a bus designed for carrying more than 16 passengers and the driver which is operated by or for a charter-party carrier of passengers

This bill would redefine "tour bus" to mean such a bus designed for carrying more than 10 passengers, instead of more than 16, and the driver

(3) Under existing law, the Department of Motor Vehicles may not charge a fee for copies of its records when given to counties, cities, state departments, or the United States government

This bill would include in this category transit operators, as defined.

(4) Under existing law, when a driver is presumed to be a negligent operator as having exceeded the traffic violation point count scale, the department may, as a condition of probation, issue a restricted driver's license

This bill would limit that authority to the issuance of restricted licenses only to noncertificated, class 3 and class 4 licensed drivers.

(5) Existing law allows the department, for good cause, to impose restrictions on a person's driver's license to assure the safe operation of a motor vehicle by the licensee.

This bill would specify that the department's authority under these provisions is subject to specified provisions

(6) Under existing law, a person may petition the court to have restrictions on his or her driving privileges removed after 6 months of participation in a specified treatment program

This bill would make this provision inapplicable to persons with class 1 or 2 licenses or a class 3 license required to be certificated, as specified

(7) Under existing law, the Department of the California Highway Patrol is required to inspect every maintenance facility or terminal of any person who at any time operates any bus.

This bill would require the inspection to be without prior notice if the bus operation includes more than 100 buses.

(8) The bill would become operative on July 1, 1988

(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 727 (AB 29) Killea. Civil law: lawyer referral services.

Under existing law, lawyer referral services may be established pursuant to the minimum standards for a lawyer referral service in California adopted by the State Bar of California by bar associations, certain nonprofit corporations, and legal aid programs and programs for the furnishing of services to indigents. Only services meeting these standards are authorized to publish that they are approved by the State Bar of California

This bill would enact provisions, operative until July 1, 1993, which would (1) set forth restrictions relating to ownership and operation of lawyer referral services, including

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

specifying practices that do not constitute an unlawful restraint of trade or commerce; (2) provide that violations of these provisions may be enjoined, and (3) provide that, with the approval of the Supreme Court, the State Bar shall formulate and enforce rules and regulations to carry out these provisions, including requiring a lawyer referral service to pay application and renewal fees for certification in such amounts as may be determined by the State Bar It also would make a statement of legislative intent with regard to lawyer referral services Until July 1, 1993, it also would include a nonprofit lawyer referral service within exemptions from certain civil liability granted under existing law to professional societies and nonprofit corporations authorized by those societies to operate referral services It also would make related changes The bill also would require the State Bar to submit a report to the Legislature concerning the implementation of its requirements, as specified

Ch 728 (AB 58) Elder. Public employees

The recently enacted federal Omnibus Budget Reconciliation Act of 1986 removed the states from the intermediary role of collecting social security contributions from state and local governmental employers and, instead, required direct deposit by all public employers to the federal government

This bill would delete those provisions relating to that state intermediary function

Existing law authorizes the Board of Administration of the Public Employees' Retirement System (PERS) to contract with carriers for health benefits plans for specified public employees and annuitants or to approve health benefit plans offered by employee organizations

This bill would authorize any qualified organization, as defined, in cooperation with the Board of Administration of PERS, to develop a health benefits plan that would be available to persons who are members of those organizations, which plan would be available to any school district, county board of education, and county superintendent of schools which becomes a contracting agency with PERS, as specified A qualified organization would be defined as an exclusive bargaining representative of certificated or classified employees or any organization with a membership of at least 1,000 State Teachers' Retirement System retirees or community college faculty members

These provisions would be optional for contracting agencies and, therefore, would impose on contracting agencies state-mandated local program costs since their 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch 729 (AB 194) Peace Controlled substances

Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specific activities, including, but not limited to, the selling. possessing with intent to sell, or offering to sell specified controlled substances to minors

This bill would authorize a court to impose a life term, subject to eligibility for release on parole after 17 years or the term determined by the court for the underlying conviction plus any enhancement, on any person 18 years of age or older who is convicted of engaging in proscribed behavior involving a minor with respect to specified controlled substances and who has previously served 2 or more prior separate prison terms for any of the same offenses

---

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

Ch. 730 (AB 247) Bane. Savings associations

Existing law provides for the regulation of savings and loan associations.

This bill would revise the requirements, relative to the formation of savings and loan associations, for the submission of filing fees and proposed articles of incorporation and bylaws; authorize certain stock sales prior to obtaining a stock permit; revise the powers of the Savings and Loan Commissioner regarding reorganization, merger, consolidation, or transfer of ownership of associations, and the regulation of holding companies and their subsidiary associations; and expand the authorized loans in which an association may invest or otherwise conduct transactions The bill would also revise the statutory net worth requirement applicable to associations

The bill would also make related changes

This bill would also, contingent upon the enactment of either AB 1530 or AB 1868, as specified, add provisions exempting a director of a federal savings and loan association from liability for monetary damages to the association or its stockholders or members under state law, to the extent the association adopts a resolution limiting such liability, except as specified.

Ch. 731 (AB 427) Floyd. Veterans memorials.

(1) Existing law, which will be repealed on January 1, 1988, 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

This bill would delete the repeal of these provisions on January 1, 1988, and would instead repeal them, on January 1 of the 2nd year following notification by the commission to the Governor that the construction of the memorial has been completed, thereby extending their duration, and in so doing would make an appropriation

(2) Existing law, which will become inoperative on July 1, 1988, and would be repealed on January 1, 1989, provides for the Veterans Memorial Commission and authorizes the construction of a memorial to California's veterans on the grounds of the State Capitol. Funds may be solicited and received by the commission from private contributions only after the Vietnam Veterans Memorial Commission has completed construction of a memorial to Vietnam Veterans, are required to be deposited in the Veterans Memorial Account in the General Fund, and are appropriated to the commission without regard to fiscal years.

This bill would delete the inoperative and repeal dates of the provisions relating to the commission thereby extending their duration indefinitely, and in so doing would make an appropriation.

Ch 732 (AB 460) Moore. Public Utilities Commission automatic dialing-announcing devices.

Existing law subjects the connection of an automatic dialing-announcing device to a telephone line and the use of the device to the jurisdiction and control of the Public Utilities Commission. Existing law does not provide penalties for any violation of these provisions. Existing law does provide for enforcement of the orders of the commission.

This bill would prohibit any person from operating an automatic dialing-announcing device in this state to place a call which is received by a telephone in this state between 9 p m. and 9 a.m California time, except as specified. The bill would make any person violating any provision relating to automatic dialing-announcing devices guilty of a civil offense and subject to a fine not to exceed $500 for each violation, levied and enforced by the commission on complaint or on its own motion, and disconnection of telephone service to the device for a period of time as specified by the commission

Ch 733 (AB 535) Peace. Agriculture· agricultural commissioner records, pesticide residue testing.

(1) Existing law requires various records and documents to be filed with agricultural

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

commissioners.

This bill would make it a misdemeanor to alter records or documents without a commissioner's or authorized deputy's approval, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law authorizes the Director of Food and Agriculture to accredit commercial laboratories to test for pesticide residue.

This bill would require those commercial laboratories to register annually with the director by submitting, not later than July 1 of each year, a written application and a $50 processing fee The bill would make it a misdemeanor to be unregistered, thereby imposing 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. 734 (AB 536) Peace. Agriculture.

(1) Existing law authorizes the Director of Food and Agriculture to examine persons who desire to become county sealers, deputy county sealers, inspectors, agricultural commissioners, deputy commissioners, or county agricultural inspectors.

This bill would authorize the director to charge a fee to cover the actual cost of providing the examination.

(2) Under existing law, county sealers and agricultural commissioners are issued a certificate of eligibility by the director.

This bill would delete references to the certificate and instead require the director to license these persons.

(3) Existing law authorizes the county board of supervisors to establish fees to cover the commissioner's cost of enforcing quality standards for chopped lettuce.

This bill would, instead, authorize the board to establish fees to cover the cost of enforcing standards for salad products. The bill would also authorize the director to adopt regulations regarding salad products enforcement and inspection fees and inspection and reporting requirements.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 735 (AB 548) Costa. Madera. Kings River: water districts.

(1) Under existing law, various special water district acts have been enacted

This bill would enact the Madera Water District Act which would create the Madera Water District within prescribed boundaries to provide the lands of the district with water and other specified services and provide for the district to assume the assets and obligations of Madera County Waterworks District No. 2. The bill would specify the powers and duties of the district and provide for the management and financing of the district. The bill would impose a state-mandated local program by making any violation of a district regulation or ordinance a misdemeanor and by imposing specified duties on officials of Madera County

(2) Under existing law, the Kings River Conservation District is organized and governed under a special act of the Legislature

This bill would authorize improvement districts to be formed in the Kings River Conservation District for any authorized purpose of the district in the same manner as improvement districts are formed in irrigation districts. The bill would provide that those improvement districts are to be governed and that assessments are to be levied in the improvement districts in the same manner as provided with respect to improvement districts in irrigation districts.

(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

---

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

Ch 736 (AB 551) Mojonnier Emergency rescue personnel.

Existing law authorizes designated peace officers to close areas where a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident, or any other disaster.

This bill would extend the authority to close those dangerous areas to any publicly employed full-time lifeguard or marine safety officer while engaged in the performance of his or her official duties, thereby imposing a state-mandated local program 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.

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

Ch 737 (AB 631) Stirling Criminal procedure: voir dire

Existing law imposes upon the trial court the duty of examining the prospective jurors in order to select a fair and impartial jury in a criminal trial. The existing law requires the court to allow reasonable examination of prospective jurors by the attorneys

This bill would direct the court to provide for a voir dire process as speedy, focused, and informative as possible, and to protect prospective jurors from undue harassment and embarassment and from inordinately extensive, repetitive, or unfocused examination; it would grant the court, in discharging its duties, the discretion and control of the form and subject matter and duration of voir dire examinations, and would set forth specific criteria with respect to the exercise of that discretion and control, it would direct the court to disallow questions which the court concludes would, as their sole purpose, do any of 6 specific improper purposes, and it would direct the court to require that counsel's questions be phrased in a neutral and nonargumentative form

Ch 738 (AB 661) Vasconcellos. Consumer affairs· marriage, family, and child counselors

Existing law provides for the licensure and regulation of marriage, family, and child counselors The provisions are administered and enforced by the Board of Behavioral Science Examiners.

This bill would (1) revise those provisions with respect to the requirements an applicant or an applicant's supervisor shall meet in order for the applicant to qualify for a license, (2) provide that in order for psychotherapy to be counted toward the professional experience requirement for a license the psychotherapy shall be performed by a licensed marriage, family, and child counselor, licensed clinical social worker, licensed psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry, but not by the applicant's supervisor; (3) require an unlicensed marriage, family, and child counselor intern to be registered, except as specified, provide that a person who registers or has registered as an intern may keep that status for 6 years, and provide that a person who was granted a 6-year intern registration prior to January 1, 1983, which expires prior to the completion of a specified experience requirement, shall be permitted to continue his or her intern registration status and continue to gain hours of experience in all allowable work settings, except private practice, through December 31, 1989, (4) refer to a, licensed physician certified in psychiatry or a licensed physician who has completed a residency in psychiatry and who is described, as specified, rather than a physician certified in psychiatry, when describing which licensed professionals in private practice may supervise or employ unlicensed marriage, family, and child counselor registered interns, as specified, (5) require specified applicants for licensure to have completed a minimum of 15, rather than 10, contact hours of training or coursework in alcoholism and other chemical dependency, as specified, and (6) make technical, nonsubstantive changes.

Existing law requires an applicant for licensure as a marriage, family, and child counselor to have obtained 3,000 hours of supervised experience, as specified, not less than 1,500 hours of which shall be gained subsequent to the receipt of a master's or doctor's

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

degree

This bill would provide that the 1,500 hours of experience shall be gained subsequent to the granting of the qualifying master's or doctor's degree and that, except with respect to specified clinical experience, the 3,000 hours of experience shall be gained within the 6 years immediately preceding the date the application for licensure was filed.

Existing law provides that a licensed professional in private practice who is a marriage, family, and child counselor, a psychologist, a clinical social worker, or a physician certified in psychiatry may supervise or employ, at any one time, no more than 2 unlicensed marriage, family, and child counselors registered interns, and shall, within 30 days of the employment or termination of an intern, notify the board of the employment or termination of the intern, as specified.

This bill would require the intern, rather than his or her employer, to notify the board, in writing, within 30 days of employment or termination of employment, would provide that a licensed physician certified in psychiatry, or a licensed physician who has completed a residency in psychiatry and who is described as specified, rather than a physician certified in psychiatry, may employ an intern, as specified, would specify what the notice shall contain, and would provide that if an intern fails to provide the notice within 30 days after the date of his or her employment or termination of employment, the board shall not accept any hours of experience gained during that period for the purposes of meeting the experience requirements for licensure.

Existing law specifies various acts as unprofessional conduct for which the board may take disciplinary action against a licensee, including that of performing, or holding one's self out as being able to perform, or offering to perform, or permitting any trainee or intern under supervision to perform, any professional services beyond the scope of his or her license.

This bill would add to the list of activities constituting unprofessional conduct that of (1) performing, or holding one's self out as being able to perform, professional services beyond the scope of one's competence, as established by one's education, training, or experience; and (2) permitting a trainee or registered intern under one's supervision or control to perform, or permitting the trainee or registered intern to hold one's self out as competent to perform, professional services beyond the trainee's or registered intern's level of education, training, or experience.

Ch. 739 (AB 667) Katz. Vehicles: intersections.

(1) Under existing law, the right of way for pedestrians and vehicles at intersections is specified Existing law also prohibits stopping, standing, and parking of vehicles under specified conditions Existing law also requires a driver of a vehicle to obey the indications on official traffic control devices.

This bill would prohibit a driver from entering an intersection or marked crosswalk, notwithstanding any official traffic control signal indication to proceed, unless there is space on the other side for the vehicle driven without obstructing the through passage of vehicles from either side. The bill would specifically extend that prohibition to a driver of a vehicle which is making a turn at an intersection who is facing a yellow signal. The bill would authorize a city or county to erect appropriate signs at the entrance to intersections indicating the prohibition. The bill would designate a violation of the prohibition to be a parking violation and would prescribe increased penalties for violations at posted intersections. Because a violation of the prohibition in the bill would be a 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. 740 (AB 678) Moore. Motor transportation brokers.

(1) Existing law provides for the issuance by the Public Utilities Commission of motor transportation brokers' licenses.

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

This bill would prohibit the issuance of a license to an applicant who regularly is a shipper, consignor, or consignee, unless the applicant held a license on June 30, 1987.

(2) Under existing law, the commission requires motor transportation brokers to have on file a bond, policy of insurance, or other form of security.

This bill would exempt from this requirement any broker which does not issue invoices or handle money for a motor carrier. The bill would also specify what an invoice is to contain, and would require the broker to transmit the full amount of the motor carrier's filed rate to the motor carrier

(3) Existing law prohibits the commission from regulating the rates and charges of motor transportation brokers

This bill would restrict that prohibition to the rates and charges for brokerage or brokerage service, except as specified in (4), (5), and (6), below.

(4) Existing law permits a person to hold both a certificate or permit as a motor carrier and a motor transportation broker's license

This bill would prohibit such a person from charging a lower rate for brokered service than the rate filed by that person as a carrier if there is a likelihood of confusion between the person's business identity as a broker and as a carrier, thereby by imposing a state-mandated local program by creating a new crime.

(5) Existing law requires a motor transportation broker to collect and transmit applicable charges to the motor carrier and permits the broker to collect an agreed upon commission.

This bill would limit the broker's commission to not more than 10% of the motor carrier's applicable rate for the transportation service The bill would also prohibit motor transportation brokers from engaging the services of any unauthorized motor carriers

(6) Existing law prohibits a motor transportation broker from charging or receiving any compensation from a motor carrier if the broker has an interest in the shipment or the broker owns or controls the motor carrier.

This bill would also prohibit that compensation if the shipper, consignor, or consignee owns or controls the broker.

(7) Existing law authorizes the commission to suspend or revoke a motor transportation broker's license, or to impose civil penalties on the broker, for specified causes

This bill would also include as one of those causes the offering for sale of transportation by a carrier at a rate less than the filed rate of the carrier

(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 make an appropriation by increasing the amount of money that could be deposited in the Transportation Rate Fund, which is a continuously appropriated fund.

Ch. 741 (AB 740) Chacon. Carrier vehicles: identification

(1) Under existing law, all highway carriers are required to display a distinctive identifying symbol, as specified, on any of their motor vehicles operated over any public highway. Carrier vehicles first registered on or after January 1, 1985, are required to have the identifying symbol on the vehicle's left and right cab doors.

This bill would require each highway carrier, regardless of when its vehicle was first registered, to display identifying symbols on the vehicle's left and right cab doors.

The bill would impose a state-mandated local program by creating a new crime since a violation of the requirement would be 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.

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

Ch. 742 (AB 743) Chacon. Youth. emergency referral services

Existing law establishes a Youth Emergency Telephone Referral Project in the Office of Criminal Justice Planning, which is charged with the establishment of a toll-free emergency referral service, as specified, for runaways. It also appropriated $200,000 from the General Fund for the support of the project but requires the reduction of the funds made available by that appropriation by the amount of any federal and private funds received for the purposes of the project

This bill would delete the provision providing for the reduction of funds made by the appropriation by the amount of federal and private funds received for the purposes of the project, thus making an appropriation by increasing the amount of state funds that may be expended for the project

The bill would declare that it is to take effect immediately as an urgency statute

Ch 743 (AB 776) Wyman Residential care facilities elderly.

Under the California Care Facilities for the Elderly Act, a fee is required to obtain or renew a license to operate a residential care facility for the elderly

This bill would authorize the facility to use a bona fide business check to pay the fee

The bill would provide that failure to pay the required license fee, including the finding of insufficient funds to cover the check, may constitute grounds for denial of a license or special permit or refusal to renew a license or special permit.

Ch 744 (AB 788) Frizzelle False reports.

Existing law makes it a misdemeanor to knowingly make a false report to any employee who is assigned to accept reports from citizens and who is employed by specified state and local law enforcement agencies under certain circumstances.

This bill would make it a misdemeanor to knowingly make the above-described false reports to any employee who is employed by certain state or local agencies, thereby mandating a new program or higher level of service on local government 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

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

Ch. 745 (AB 885) Mojonnier Boating and waterways.

(1) Under existing law, it is unlawful for any person to operate any boat or vessel or manipulate any water skis, aquaplane, or similar device while under the influence of intoxicating liquor, as specified, any drug, or the combined influence of intoxicating liquor and any drug

This bill would make these provisions applicable to foreign vessels using waters subject to state jurisdiction. The bill would define the phrase "water skis, aquaplane, or similar device" for specified purposes

(2) Under existing law, money received by the Department of Boating and Waterways from the sale of certain publications is deposited in the General Fund.

This bill would provide for deposit of that money in the Harbors and Watercraft Revolving Fund

(3) Under existing law, except for urgent and immediate concern for the safety of those aboard a vessel, no person may abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property

This bill would make violation of this provision an infraction, punishable by a fine of not less than $50, thereby imposing a state-mandated local program

(4) Existing law authorizes the creation of a lien dependent upon possession of a vessel to secure compensation for services rendered to or storage of, any vessel subject to registration with the Department of Motor Vehicles Under existing law, the lien is valid against the interest of the legal owner to the extent the lien exceeds $750 only if the person performing the storage or service obtains the consent of the legal owner for

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

the amount of the excess.

This bill would increase the above amount to $1,500 and would also require the lien claimant to notify the legal owner, as specified, that the vessel is subject to sale.

(5) Under existing law, upon receipt of an application by a lienholder to the Department of Motor Vehicles for the issuance of an authorization to conduct a lien sale, as specified, the department is required to notify the vessel registry agency of a foreign state of a pending lien sale if necessary and send a notice to the registered and legal owners of the vessel, as specified.

This bill would also require the department to apply a vessel registration stop order or title transfer stop order to the vessel

(6) The bill would make various corrective 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

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

Ch 746 (AB 1012) Areias Hazardous materials contractors

Existing law regulates the use of subcontractors on contracts made by public entities. Existing law authorizes specified persons to serve a stop notice upon a public entity responsible for the public work

This bill would authorize a subcontractor which is a registered hazardous waste hauler to serve a stop notice upon a public entity if the contractor who enters into a contract with the public entity for investigation, removal or remedial action, or disposal relative to the release or presence of a hazardous material or hazardous waste fails to pay the subcontractor within 10 days after completion.

Ch 747 (AB 1045) O'Connell. Certificate of compliance and safety inspection stickers.

(1) Existing law authorizes the California Highway Patrol to stop and inspect commercial vehicles

This bill would authorize the commissioner to make and enforce regulations respecting the issuance and display of commercial vehicle safety standard stickers and provide that it is a misdemeanor to possess, issue, or display an unauthorized sticker, thereby imposing a state-mandated cost by creating a new crime.

(2) Existing law authorizes the Department of the California Highway Patrol to issue certificate of compliance stickers to vehicles which transport flammable and combustible liquids.

This bill would make it unlawful to possess or display an unauthorized certificate sticker or to alter, counterfeit, or falsify any sticker and would prescribe the fines for violations.

(3) Existing law provides that specified statutes and regulations of the Department of the California Highway Patrol do not affect regulations adopted under other provisions of law or the regulation of rates of payment of wages by any other public agency

This bill would, instead, provide that the specified statutes and regulations of the department do not affect regulations adopted by any other public agency under other provisions of law concerning rates of payment of wages

(4) This bill would incorporate additional changes in Section 40000.7 of the Vehicle Code, proposed by SB 543, to be operative only if SB 543 and this bill are both chaptered and become effective January 1, 1988, 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.

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

Ch. 748 (AB 1046) Katz Surface impoundments· hydrogeological assessment report.

Under existing law, the Toxic Pits Cleanup Act of 1984 requires that a person discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment file with the California Regional Water Quality Control Board a hydrogeological assessment report, when notified by the regional board, except as specified. Existing law requires pest control operators and businesses, and local governmental vector control agencies to file an initial hydrogeological site assessment report for the purpose of seeking an exemption from reporting requirements. The reports are required to contain, among other things, soil moisture readings from a representative number of points around and at the depth of the surface impoundment and documentation concerning the monitoring system, including substantiation that the methods of water sample collection require that the sample is collected after at least 5 well volumes have been removed from the well.

This bill would authorize the regional board to exempt from the report requirements a person who has ceased discharging into the surface impoundment, and who has closed the surface impoundment by December 31, 1985, if the State Water Resources Control Board makes specified findings The bill would also authorize the regional board to allow the use of alternative devices if the regional board determines that suction type soil sampling devices are infeasible and would require, if the monitoring wells are low-yield wells, as specified, that the methods of water sample collection insures that a representative sample is obtained from the well

Ch 749 (AB 1088) Jones. Court reporters

(1) Under existing law, the fee for reporting testimony and proceedings in contested cases in Colusa County is $75 per day, or any fractional part thereof.

This bill would increase the fee for reporting testimony and proceedings in contested cases in Colusa County to $90 per day, or any fractional part thereof, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law provides for the duties, compensation, and benefits of superior court reporters in Tulare County.

This bill would revise the duties, compensation, and benefits of superior court reporters in Tulare County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program The bill would also impose a $20 reporter's filing fee in the Tulare County Superior Court

(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 750 (AB 1122) Zeltner Small business development

(1) Existing law establishes the California Economic Development Grant and Loan Fund which is continuously appropriated. The Treasurer is required to invest moneys in the fund pursuant to existing law regarding special fund investments.

This bill would require, in addition, that all or a portion of money in the fund be paid out, with the approval of the Department of Finance, to eligible lending institutions and would prescribe the procedure therefor The bill would restrict the expenditure of the funds paid out to those institutions solely for the purpose of the loan fund.

The bill would prohibit the establishment of any outside bank accounts for those purposes without the prior approval of the Director of Finance. The director would be authorized to withdraw that approval at any time

The bill would provide that the state has a residual interest in revenues from investments paid out as prescribed and that the state is not liable beyond the state money which was paid out or transferred to eligible institutions The bill would require any accrued interest from those investments to be considered a part of the loan fund and expended for purposes of that fund.

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

(2) Until July 1, 1987, the Office of Small Business Development was authorized to establish a program through which urban and rural small business development corporations could assist California small businesses by making financial aid available for the development phase of a definable product or process which was new to the business undertaking the development, as specified These provisions were repealed on July 1, 1987.

This bill would reenact those provisions and would become inoperative on July 1, 1989, and repealed January 1, 1990.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 751 (AB 1269) Bronzan Attorney General: charges for services

Existing law provides that the costs of legal services rendered by the Attorney General to other state agencies shall be fixed and determined by the Attorney General and shall be a charge against the funds designated by the State Board of Control.

This bill would require the Controller, upon the request of the Attorney General, to transfer the amount of any charge for services rendered by the Attorney General from the state agency's appropriation to the appropriation for support of the Attorney General's office, except when there is a dispute regarding the charge or when the amount requested, when added to previous charges to the state agency in the same fiscal year, exceeds the amount budgeted by the state agency for Attorney General legal services

The bill would declare that it is to take effect immediately as an urgency statute, and the bill would become operative on July 1, 1987.

Ch. 752 (AB 1379) Bates Child care services

Existing law requires that, to the extent funding is available, children referred by private industry councils shall be provided child care necessary to permit their parents to participate in program activities under the federal Job Training Partnership Act.

This bill would require that the State Department of Education, in consultation with the Employment Development Department, coordinate technical assistance and training for the local private industry council board and staff members regarding how to effectively incorporate quality training and placement programs pursuant to the federal Job Training Partnership Act

Existing law provides that it is the intent of the Legislature that any program expansion due to the requirement for providing child care services for persons participating in specified training programs, shall be continued only to the extent that funds are made available from specified sources

This bill would delete this limitation on program expansion

Existing law specifies that funding for each local service delivery area child care and development fund shall include, but not be limited to, specified funds

Existing law also specifies that a certain portion of this funding be distributed pursuant to a specified statutory formula

This bill would delete the reference to this portion of the funding and would delete the reference to the statutory formula for distribution of these funds.

Existing law provides that the private industry council shall provide funds only for participants whose child care needs are not met by other community resources and whose child care needs can be met within the council's annual budget

This bill would delete the limitation regarding provision of services only for those participants whose child care needs can be met within the council's annual budget

Existing law requires that the Superintendent of Public Instruction, by March 1, 1984, identify one child development agency within each service delivery area to administer the child care and employment fund, and that the identification process include consultation with, and approval of, the private industry council and local elected officials

This bill would, instead, require that the superintendent identify child development agencies to administer the fund, and that the identification process and final selection of one development agency include consultation with, and approval of, the private industry council and local elected officials and would require that the superintendent allow these agencies to continue in that function for as long as that arrangement is mutually agreeable to the superintendent and the local private industry council

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

This bill would require the superintendent to develop a formula for equitable disbursement of funds pursuant to the Child Care and Employment Act.

This bill would provide that if the superintendent determines that funds are not being fully utilized within a specified area, they may be reallocated to other areas, as specified.

Existing law authorizes the superintendent to identify a consortium to administer the child care and development fund, if the superintendent determines that more than one child development agency within the service area meet specified criteria

This bill would require that the superintendent consult with the private industry council and local elected officials when so identifying a consortium of these agencies to administer the fund

Existing law does not specify the percentage of net allowable costs of child care and employment fund agencies which is required to be reimbursed by the State Department of Education.

This bill would require the State Department of Education to reimburse the contracting child care and employment fund agencies 50% of their net allowable costs for programs which provide child care services pursuant to this act.

Existing law prohibits either administrative expenditures, or support services expenditures, of a local administering child care agency from exceeding 15% of the total cost

This bill would, instead, require that at least 75% of the net allowable costs of these agencies be expended on payments for direct child care services, that administrative costs shall not exceed 15% of total costs, and that the total administrative and support service costs shall not exceed 25% of total costs.

Existing law specifies the support services included in this requirement.

This bill would delete this specification.

This bill would provide that it shall be deemed operative for the entire 1987–88 fiscal year, and that public officials shall take all steps necessary to effectuate this retroactive date, as specified.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 753 (AB 1407) Frazee. Crimes

(1) Existing law makes it a misdemeanor for, among others, any commissioner of civil marriages or any court commissioner to accept any money or other thing of value for performing a marriage.

This bill would exempt from the above provisions the request or acceptance by a retired commissioner of civil marriages or a retired court commissioner of any fee for the performance of a marriage.

(2) Existing law requires persons convicted of certain sex offenses and certain arson offenses to register, upon discharge, parole, or release, within specified time periods, with the chief of police of the city in which he or she is domiciled or the sheriff of the county in which he or she is domiciled in an unincorporated area. Existing law requires that these persons, prior to discharge, parole, or release, sign a form stating that the duty of the person to register with local law enforcement officials has been explained to him or her, and requires copies of that form to be forwarded to the Department of Justice, as specified, and forwarded, as specified, to the appropriate law enforcement agency having local jurisdiction where the person expects to reside, the prosecuting agency which prosecuted the person, and the court where the person was prosecuted

This bill would eliminate the requirement that the above-described form be forwarded to the court where the person was prosecuted and make related changes with respect to transmission of the form to the Department of Justice

Ch. 754 (AB 1462) Cortese. Solid waste· county management plans

(1) Existing law requires each county to prepare a solid waste management plan of specified contents, subject to approval by specified cities, regional planning agencies, and the California Waste Management Board, authorizes a county solid waste management plan to reserve or to tentatively designate a site as a site, or a potential site, for a solid waste facility, and specifies how that tentatively identified site may be removed from the county plan.

This bill would revise these provisions to instead require county solid waste manage-

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

ment plans, effective with revisions to a plan made on or after January 1, 1988, to indicate the remaining capacity, as specified, of existing solid waste facilities, as defined, and, if an existing facility will be exhausted within 8 years, to require the plan to reserve an area or areas for the location of new, or the expansion of existing, solid waste facilities, consistent with the applicable city or general plan or, if the county determines that there is no suitable area, to include in the revision of its plan a specific program for the handling and disposal of solid waste in excess of the remaining capacity. The bill would also require the county to include in its next revision of the plan occurring on or after January 1, 1988, a plan which establishes a goal of recycling 20% of the solid waste generated in the county By imposing these requirements on counties, 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. 755 (AB 1466) N. Waters Telephone rates: rural service.

(1) Under existing law, the rates of public utilities, including telephone corporations, are established by the Public Utilities Commission.

This bill would direct the commission to develop and implement a suitable program to establish a fair and equitable local rate structure aided by transfer payments to small independent telephone corporations serving rural and small metropolitan areas to promote the goals of universal telephone service, thereby imposing a tax for purposes of Article XIII A of the California Constitution Under other provisions, a violation of the commission's rules and orders in this regard would be a crime, 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 756 (AB 1487) Hansen Water rights unauthorized diversion or use.

Under existing law, the diversion or use of water subject to appropriation other than as authorized by law is a trespass, and the State Water Resources Control Board may institute in the superior court of the county in which the diversion or use is attempted an action to enjoin the trespass.

This bill would require the Attorney General, upon request of the board, to bring the action and would also permit the action to be brought in the case of a threatened diversion or use The bill would, in addition, authorize the board to administratively impose civil liability, in accordance with prescribed procedures, for commission of such a trespass, not to exceed $500 per day, but only during years declared to be critical by the Department of Water Resources The bill would alternatively permit any person or entity committing such a trespass to be held liable in a superior court proceeding, conducted as prescribed, for a sum not to exceed $500 for each day in which the trespass occurs The bill would prescribe related matters

Ch 757 (AB 1560) Isenberg Horses or other equine animals: inhumane treatment

(1) Existing law includes various criminal provisions relating to inhumane or cruel treatment of horses and other animals

This bill would authorize a peace officer, officer of a humane society, or officer of a pound or animal regulation department to issue citations, requiring payment of prescribed civil penalties, to any person or entity keeping horses or other equine animals for hire, if the person or entity violates any of the standards of humane treatment enumerated in the bill These provisions would create a state-mandated local program. The bill would require that funds collected from the payment of penalties pursuant to

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

the bill be deposited with the entity under which jurisdiction the officers who issue the citations operate. The bill would authorize the expenditure of these funds by the entity only for administrative and enforcement costs incurred pursuant to this 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, 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 declare that no reimbursement is required by its provisions under Section 6 of Article XIII B of the Constitution, for a specified reason. The bill would recognize, however, that a local agency or school district may pursue any remedies available under specified provisions of existing law to obtain reimbursement.

Ch 758 (AB 1599) Speier. Restraining orders. domestic violence

Existing law authorizes the issuance of restraining orders against domestic violence, as specified

This bill, operative July 1, 1988, would require the designation by the presiding judge of the superior court of at least one judge, commissioner, or referee in each county to be available, as specified, to orally issue, by telephone or otherwise, emergency protective orders against domestic violence, as specified, which would be authorized to be issued at all times when the court is not in session. Because it would impose new duties on police and sheriffs' officers, including reducing the orders to writing, 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 759 (AB 1633) Sher Electricity· private energy producers.

(1) The existing California Alternative Energy Source Financing Authority Act provides for financing projects utilizing alternative sources of energy and defines "alternative sources," for the purposes of the act, to include, among others, the use of hydroelectricity under 30 megawatts

This bill would further define "alternative sources" as excluding any hydroelectric facility that does not meet state law relating to the control, appropriation, use, and distribution of water, and would prohibit financial assistance under the act unless the participating party provides proof of certification from the State Water Resources Control Board of possession of water rights for operation of the facility, as specified.

(2) Existing law requires the Public Utilities Commission to approve and establish equitable charges to be paid by an electrical corporation which purchases electricity or electrical generating capacity, or both, from any private energy producer, as specified, and the commission may specify the prices, terms, and conditions for that purchase or sale.

This bill would require every contract for the purchase of electricity or electrical generating capacity, or both, by an electrical corporation from a private energy producer employing hydroelectric facilities to comply with state law relating to the control, appropriation, use, or distribution of water. The bill would specify how that compliance is to be established. The bill would declare every contract in violation of these requirements void and, on and after specified dates, unenforceable, and would direct the commission to disallow, for ratesetting purposes, all payments for electricity under a contract which is void under these provisions

(3) The bill would require every private energy producer requesting certification from the State Water Resources Control Board for the above purposes to pay a certifica-

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

tion fee of $250 to cover the reasonable costs of the board in evaluating and processing the certification request.

(4) The bill would also make a statement of legislative intent.

Ch. 760 (AB 1641) Sher Water rights.

Under existing law, the State Water Resources Control Board may issue cease and desist orders where a person holding a permit or license to appropriate water is violating a term or condition of the permit or license and, among other things, may petition the superior court for imposition of a civil penalty against any person or entity who violates a valid, final cease and desist order in a sum not to exceed $500 for each day in which the violation occurs

This bill would increase the maximum amount of the civil penalty to $1,000 per day.

Ch. 761 (AB 1680) Johnston. Dangerous devices and apparatus: forfeiture parks and recreation.

Under the Public Resources Code, various activities relating to lands and resources are regulated by the Department of Parks and Recreation. Those provisions include specified provisions of law regulating conduct in the state parks which, if violated, are misdemeanors with specified penalties.

This bill would authorize the court, upon conviction of a person for a violation of provisions of the Public Resources Code within the jurisdiction of the department, or any regulation adopted pursuant thereto, to order the forfeiture of any device or apparatus which is designed to and capable of injuring or killing any person or animal or capturing any animal and which was used in committing the offense charged. The bill would require the department to either sell or destroy the device or apparatus. The bill would require the proceeds from the sales to be deposited in the State Parks and Recreation Fund with specified fines and forfeitures and to be available for purposes of payment of refunds of erroneously deposited fines and forfeitures and for specified department employee training

The bill would incorporate changes to Section 12028 of the Penal Code made by SB 1301 if both bills are enacted and this bill is enacted last.

Ch. 762 (AB 1683) Johnston Jurors

Under existing law, it is a crime for any person to corruptly attempt to influence a juror, or any person summoned or drawn as a juror, or chosen as an arbitrator, or umpire, or appointed a referee, in respect to his or her verdict in, or decision of any cause, or proceeding, pending, or about to be brought before that person by engaging in certain kinds of conduct

This bill would, additionally, make it a misdemeanor for any person to threaten a juror with respect to a criminal proceeding in which a verdict has been rendered and who has the intent and apparent ability to carry out the threat so as to cause the juror to reasonably fear for his or her safety or the safety of his or her immediate family.

Thus, it would constitute a state-mandated local program since it would enact 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. 763 (AB 1684) Johnston Definition of payment instruments.

Under existing law, the Payment Instruments Law, the term "payment instruments" is defined as including, among other things, any check, draft, or other instrument for the transmission or payment of money, if sold to a natural person and payable on demand

This bill would, instead, require only that the check, draft, or other instrument for the transfer or payment of money be payable on demand, as defined.

Existing law provides that a payment instruments licensee or California agent of a licensee shall not sell any payment instrument issued by the licensee without concur-

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

rently receiving consideration, as specified.

This bill would provide that when a payment instrument is sold to an insured bank, an insured savings and loan association, or an insured credit union, the consideration shall be received by the next business day after the sale. The bill would make a related change.

Ch. 764 (AB 1770) Lancaster Financial institutions.

(1) Existing law, with respect to preneed funeral arrangements, authorizes deposit of the corpus of a trust for a preneed funeral contract in a savings association.

This bill would additionally authorize a trustee to deposit the corpus of a trust in any credit union which is insured by the National Credit Union Share Insurance Fund

(2) Existing law authorizes a real estate broker, at the request of the owner of trust funds, or the principals to a transaction or series of transactions from whom the broker has received trust funds, to deposit those funds into an interest-bearing account in a bank or savings association.

This bill would additionally authorize a broker to deposit those funds into a credit union.

(3) Existing law exempts from provisions regulating the advertising of consumer goods and services, as specified, financial services offered in the ordinary course of business by a supervised bank, national banking association, bank holding company, or a subsidiary or affiliate thereof.

This bill would additionally exclude the financial services offered in the ordinary course of business by a state or federal savings and loan association or a state or federal credit union or a subsidiary or affiliate thereof.

(4) Existing law exempts certain loans from the usury restrictions of the California Constitution.

This bill would exempt any loans made by, or forbearances of, a public retirement or pension system that is created, authorized, and regulated by the laws of a state other than California, or the laws of a local agency of a state other than California from those usury restrictions of the California Constitution

(5) Existing law provides for a statutory award of attorney's fees where there is an action on a contract based on a "book account." Banks and savings associations are exempted from those provisions.

This bill would additionally exempt a state or federal credit union or a subsidiary or an affiliate of a state or federal credit union.

(6) Existing law provides for the investing of certain probate funds in banks and insured savings and loan association accounts, as specified.

This bill would specify that the investing of those funds may be in federally insured savings and loan associations and would additionally add credit unions to that authorization

The bill would also correct an outdated cross-reference

Ch 765 (AB 1874) Ferguson. Manufactured homes, mobilehomes, and commercial coaches.

Under existing law, manufactured homes, mobilehomes, and commercial coaches are subject to annual registration and transfer fees 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 The department also administers the registration of truck campers and floating homes under certain circumstances.

Existing law requires a specified report of sale to be filed with the department and specified fees to be paid when a manufactured home, mobilehome, or commercial coach is sold. Existing law requires every dealer to give a specified notice to the county assessor upon transferring a manufactured home, mobilehome, or commercial coach by sale, lease, or otherwise, not later than the 10th calendar day after the transfer

This bill would include leases and rentals within the requirements and procedures governing the report of sale, would rename the report as a report of sale, lease, or rental, and would revise the requirements and procedures governing the report. The bill would delete commercial coaches from the existing provisions requiring notice to the county

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

assessor.

The bill would also make changes in the times that certain fees become due and payable, revise the registration fees and penalties for failure to register manufactured homes, mobilehomes, commercial coaches, truck campers, and floating homes, and institute procedures with regard to delinquent fees on a commercial coach, to authorize the department, under certain conditions, to maintain a civil suit, or seize and sell the coach, to collect the amount of a lien resulting under existing procedures, plus costs in an amount of up to $450 per lien.

Under existing law, the Mobilehome-Manufactured Home Revolving Fund is created and continuously appropriated for various purposes in conjunction with the regulation of mobilehomes and manufactured homes

This bill would make an appropriation by requiring that certain excess proceeds from seizures and sales authorized by the bill be paid into the fund

Ch. 766 (AB 1878) Elder Public employees.

(1) Existing law provides for collective bargaining between state employers and employees except for certain excluded employees. Existing law permits the Department of Personnel Administration to adopt or amend regulations to implement employee benefits for those state officers and employees excluded from, or not otherwise subject to, collective bargaining.

This bill would exclude certain professional employees in the Personnel/Payroll Services Division of the Controller's office from the collective bargaining provisions

(2) Existing statutes, which would be repealed January 1, 1988, require the administering body of any public employee pension or retirement fund, as defined, to give first priority to investing not less than 25% of all funds becoming available in a fiscal year, as specified, for new investment, in specified California residential realty obligations or certificates of deposit issued by savings and loan associations that agree to extend credit on residential realty in California. Those statutes require substitution of alternative investments if compliance would conflict with specified fiduciary obligations or any standard for prudent investment. Those statutes authorize substitution of higher yielding investments for any fiscal year during which it is determined that compliance will result in lower overall earnings for the fund than obtainable from alternative investment opportunities. In that event, those statutes require submission of a specified resolution to the Governor and to the Joint Legislative Audit Committee which would transmit the Auditor General's report to the Speaker of the Assembly and the Senate Rules Committee for transmittal to the affected policy committees.

This bill would add to the Public Employees' Retirement Law (PERL), a similar provision which would apply only to the Public Employees' Retirement System (PERS) and which would be repealed January 1, 1993

(3) A provision of the PERL, which is applicable only at the option of a contracting agency, authorizes local members to purchase service credit as "public service," for military service prior to employment, subject to specified conditions, including requiring the exercise by the members of the election to receive that service credit to be made while the member is employed by that employer.

This bill would add to the PERL a provision which would be applicable only at the option of a contracting agency which has adopted the above provision and which would authorize a retired local member who retired immediately following service as a local member and prior to the adoption by his or her employer of the above provision, also to purchase that same service credit, subject to specified conditions, but not to the condition requiring that the election be made while the election member is still employed

Ch. 767 (AB 2202) Chacon County and municipal initiative petitions

Existing law requires a proponent of a municipal initiative petition, before circulating the petition, to publish a notice of intention to do so including a statement of up to 500 words on the reasons for the proposed petition which is signed by up to 3 proponents

This bill would require instead that the notice of intent, along with the written text of the initiative, be filed with the clerk of the legislative body, and would revise related

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

provisions pertaining to publication of the notice of intent. It would require a person filing a notice of intent to pay a refundable fee of up to $200.

This bill would require a proponent to file with the clerk a copy of the proposed measure with a request for a ballot title It would impose a state-mandated local program by requiring the clerk to submit a copy of the measure to the city attorney, who would be required to provide a ballot title and summary for the proposed measure. It would authorize the proponent to seek an expedited hearing for a writ of mandate in order to have the ballot title or summary amended on specified grounds

This bill would revise existing procedures to permit circulation of the petition after publication of the title and summary prepared by the city attorney and within a specified time period

This bill would authorize the city council, during the circulation of the petition and before enacting a proposed measure or calling a special election, or submitting it to the voters at a regular municipal election, to refer an initiative measure to any city agency for a report, within 45 days, on the effect of the proposed measure upon the city's general plan, among other matters.

This bill would impose a state-mandated local program by making parallel revisions to the statutory procedure for the enactment of county initiative measures

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 768 (AB 2183) Leslie Summary proceeding for possession of real property: entry of default.

Under existing law, the court, in specified summary proceedings for obtaining possession of property, is required to enter the default of the defendant upon a written application by the plaintiff together with proof of service of the summons and complaint, proof of service of the notice of termination of tenancy together with a copy of the notice, and an affidavit by the plaintiff affirming that the defendant is still in possession of the premises

This bill would eliminate the requirement that the plaintiff submit a proof of service of the notice of termination of tenancy together with a copy of the notice and an affidavit affirming that the defendant is still in possession of the premises. These provisions would not become effective unless AB 893 is chaptered.

Ch. 769 (AB 893) Connelly. Landlord-tenant

Under existing law, the owner of a multiunit dwelling structure in excess of 2 residential units is required to disclose the name and address of each authorized manager and of an owner or person authorized to act for the owner, as specified A party who enters into a rental agreement on behalf of the owner who fails to comply is deemed an agent of the owner for service of process, for notices, and for performing obligations

This bill would make those provisions applicable to any dwelling structure containing one or more units offered to the public for rent or lease for residential purposes It would require the disclosed address to be the street address at which personal service may be effected. It would provide that if the requirements are not met, service of process by a tenant may be made by registered or certified mail at the address where rent is paid, as specified

Under existing law, those disclosure requirements extend to a successor owner or manager.

This bill would require the successor owner or manager to comply with the requirements within 15 days.

The bill would become operative only if AB 2183 is enacted

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

Ch. 770 (AB 1129) Hughes. State Board of Optometry: continuing education requirements.

Existing law authorizes the State Board of Optometry to require optometrists, as a condition of license renewal, to complete specified continuing education requirements.

This bill would require the board to adopt regulations which condition license renewal upon continuing education requirements. The bill would also appropriate $23,000 from the State Optometry Fund to the board in order to implement that requirement for the 1987–88 fiscal year.

Ch. 771 (AB 1584) Hauser. Schools. earthquake safety: buildings.

Under existing law, school districts and community college districts are required to have certain buildings examined for safety for school use, and are required to repair, reconstruct, or replace unsafe buildings. These provisions are known as the "Field Act."

This bill would exempt from coverage under the Field Act a specified retaining wall constructed for the Ferndale High School District in 1986. The bill would make a legislative finding and declaration of unique circumstances in this regard.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 772 (SB 128) Maddy. Sportfishing.

(1) Under existing law, a sportfishing license authorizes the taking of fish, reptiles, and amphibia anywhere in this state for purposes other than profit, except as otherwise provided.

This bill would conform requirements to obtain a license to the authorizations granted under a sportfishing license.

(2) Under existing law, violations of the Fish and Game Code, unless otherwise specified, are misdemeanors punishable by a fine of not more than $1,000, imprisonment in the county jail for not more than 6 months, or both that fine and imprisonment A violation of the requirement to have a license to take fish, reptiles, or amphibia for any purpose other than profit is a misdemeanor subject to those penalties

The bill would make this offense an infraction and would prescribe minimum and maximum fines for violations, including recidivist penalties for taking fish, reptiles, or amphibia without a license

(3) Existing law requires part of the penalties collected for violations of the Fish and Game Code to be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund

Because this bill would increase the revenues to that fund, the bill would make an appropriation.

Ch 773 (SB 135) Craven Community colleges building and operating fee.

Existing law does not authorize the board of trustees of a community college district to establish an annual building and operating fee for the purpose of financing, constructing, enlarging, remodeling, refurbishing, and operating a student body center.

This bill would provide that authorization. The bill would prohibit the fee from exceeding $1 per credit hour, up to a maximum of $10 per student per fiscal year, with specified exceptions, and would authorize imposition of the fee only after a favorable vote of ⅔ of the students voting in an election held for that purpose, as prescribed.

Ch. 774 (SB 204) Kopp. Local taxes.

Chapter 1621 of the Statutes of 1982 repealed a law prohibiting a city from imposing certain taxes on any district agricultural associations representing more than one county and owning land in each of the counties it represents.

This bill would reenact that law This bill would impose a state-mandated local program by requiring the city to enter into an agreement with the association for the provision of police and fire protection services to the association This bill would require the contract to provide for the payment by the association of the reasonable direct actual cost of police and fire protection services.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish proce-

---

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

dures for making that reimbursement.

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

Ch. 775 (SB 213) Robbins. Driving offenses: fees.

(1) Section 42007 of the Vehicle Code requires the clerk of a superior, municipal, or justice court, when ordered by the court, as specified, to collect a fee, not to exceed $12, from every person ordered or permitted to attend a traffic violator school or other court-supervised program of driving instruction, which fee is in addition to the costs of instruction for the school or program Section 42007 also prohibits the imposition of any other fee, including penalty assessments, upon a person ordered or permitted to attend a traffic violator school or driving instruction program.

Section 42007 prevails over Section 42008, which would otherwise require the collection of $1, in addition to other fees authorized or required by other provisions of law, for deposit in certain courthouse or county criminal justice facility construction funds from every person ordered, in lieu of a fine upon conviction, to attend a driving school or court-supervised program of driving instruction

Section 42007 also prevails over Section 42009, which would otherwise require the collection of an additional $10 from any person ordered to attend such a school or program in lieu of adjudication of the traffic offense. From the $10 fee, $8 90 is transferred to the local governmental agency issuing the notice to appear

This bill would delete the prohibition on the imposition of any other fee upon a person ordered or permitted to attend a traffic violator school or driving instruction program, and would increase the maximum fee to $24, including a $1 fee for those construction funds and the additional $10 fee.

The bill would impose the $1 fee and the $10 fee upon any person ordered to attend such a school or program in all cases, except that the $10 fee would be imposed for notices to appear issued for local governmental entities as specified.

The bill would require the collection of the $1 fee in San Diego and Santa Clara Counties if the boards of supervisors adopt a specified resolution

The bill would impose a state-mandated local program with respect to the collection of the additional fees

(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. 776 (SB 221) Rogers Heritage Park

Under existing law, notwithstanding the Public Park Preservation Law of 1971 or any other law, the County of Kern is authorized, after holding at least one public hearing, to construct juvenile court facilities on not more than 5 acres of Heritage Park without providing replacement parklands.

This bill would repeal that authority of the County of Kern with respect to Heritage Park.

Ch. 777 (SB 222) Davis Camarillo State Hospital· lease.

Existing law provides for the establishment of Camarillo State Hospital in Ventura County for the care and treatment of the developmentally disabled

This bill would authorize the Department of General Services, in cooperation with the State Department of Developmental Services and the State Department of Mental Health, to lease property within the boundaries of Camarillo State Hospital, as described, to Ventura County which shall sublet the property to a nonprofit organization for the purpose of constructing and operating a 70-bed children's crisis care center, as provided. This bill would describe the children eligible for placement in the facility.

This bill would require that, if the described parcel is purchased or leased from the state, 50% of the proceeds accrue to the State Department of Mental Health and 50% to the Department of Developmental Services.

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

Ch. 778 (SB 244) Presley. Election campaigns: libel and slander.

Existing law, for the purposes of statutory provisions relating to a voluntary code of fair campaign practices for candidates for public office, defines a campaign advertising or communication as various communications, as specified, advocating the election or defeat of a qualified candidate.

This bill would include a ballot measure within this definition and would make the provisions applicable to a communication by a committee formed primarily to support or oppose a ballot measure.

Existing provisions in the Civil Code impose civil liability for libel and slander

This bill would make those provisions fully applicable to any campaign advertising or communication

This bill would make a candidate or state measure proponent, and a person who is a sponsor of a sponsored committee, liable for slander or libel if the candidate, state measure proponent, or sponsor willfully and knowingly directs or permits the libel or slander

This bill would provide that the provisions relating to civil liability for libel and slander are declaratory of existing law

Ch. 779 (SB 266) McCorquodale. Weights and measures

Existing law requires the Director of Food and Agriculture to develop a schedule which classifies types of weighing and measuring devices, and exempts retail scales used for various purposes from these provisions. Existing law also requires the director to review the statewide effect of the county ordinances authorizing annual device registration fees by January 1, 1985, and repeals the provisions authorizing the establishment of these ordinances on January 1, 1988

This bill would repeal the director's authorization to develop the schedule and conduct the review of county ordinances, would prescribe maximum annual charges for the county ordinances, with specified exceptions, and would extend the authorization to prescribe the ordinances to January 1, 1990.

Ch. 780 (SB 445) Kopp. Criminal trials

Existing law authorizes the court to order a change in venue in a criminal action to another county or judicial district.

This bill would provide that if the court determines that it would be in the interests of justice to do so, as specified, and upon the unanimous consent of all defendants, when a change of venue is ordered it may order that it be accomplished by the selection of the jury in the county or district to which venue would otherwise have been transferred, and moving the jury to the court in which the action is pending The bill would require the court to direct the sheriff to deliver the defendant to the custody of the sheriff of the county where the court orders the jury to be selected for the purpose of jury selection. Since the costs of the jury would be a charge against the county in which the action is pending, and since new duties would be imposed upon the sheriff, the bill 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 (SB 461) B Greene In-home supportive services

Under existing law, in-home supportive services are provided by counties, pursuant to regulations adopted by the State Department of Social Services, to aged, blind, or disabled persons meeting specified eligibility criteria, 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.

This bill would require the State Department of Social Services to report, by July 1, 1989, on its implementation of a uniform client needs assessment tool, as specified, a uniform method for determining each client's functional abilities, and uniform statewide

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

training on determining each client's functional abilities. It would require the report to include certain evaluations, including an evaluation of the need for a uniform method of determining hours of services needed

Ch. 782 (SB 530) Torres. Insurance: hospital service contracts.

Existing law prohibits the issuance of a group hospital service contract to any group unless at least one alternative arrangement providing health care services is available to all members of the group which affords free choice among physicians, dentists, other practitioners of the healing arts, pharmacists, pharmacies, and health facilities to individual members of the group to the extent those services are made available thereunder

This bill would, instead, prohibit the issuance of such a contract unless the master contract holder is apprised that at least one alternative arrangement providing health care services may be made available to all members of the group at the option of the master contract holder which affords free choice among those practitioners and facilities.

This bill would incorporate additional changes in Section 11512.2 of the Insurance Code, proposed by SB 303, to be operative only if SB 303 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 783 (SB 593) Morgan. Seismic safety

Existing law requires all counties and cities, except any city or county that has adopted an ordinance requiring the installation of accelerographs in structures and also meets other specified requirements, to collect a specified fee from each applicant for a building permit which is deposited in the Strong-Motion Instrumentation Special Fund, and the money in the fund is continuously appropriated to the Division of Mines and Geology in the Department of Conservation for the strong-motion instrumentation program.

This bill would increase the amount of the fee collected for all buildings other than specified residential buildings 1 to 3 stories, by counties and cities for deposit in the fund, thereby increasing a state tax and making an appropriation The bill would prohibit, after January 1, 1988, any installation of strong-motion instrumentation for structural types, including hospitals, dams, bridges, schools, and powerplants unless funds proportionate to the construction value are received from organizations or entities representing these structural types or instrumentation is specifically requested by the Seismic Safety Commission in an urgency situation. The bill would authorize a city or county to retain up to 5% of the fee for data utilization and interpretation of information from the strong-motion instrumentation program The bill would require the Seismic Safety Commission to determine the priority of installations

Ch. 784 (SB 652) Alquist 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 also include dedications of personal property under the approval requirement and would specifically subject the Department of Parks and Recreation to that requirement and would add an exception to the requirement by authorizing the department to accept gifts of personal property in the form of interpretive or historical objects, valued at $15,000 or less without approval from the Director of Finance

Ch. 785 (SB 589) Maddy. Aggravated mayhem.

Under existing law, a person is guilty of a felony, punishable by imprisonment in the state prison for 2, 4, or 8 years, who unlawfully and maliciously deprives a human being of a member of his or her body or disables, disfigures, or renders it useless, or cuts or disables specific parts of the face of a person.

This bill would provide that a person is guilty of aggravated mayhem, punishable by imprisonment for life with the possibility of parole, when that person unlawfully, under circumstances manifesting extreme indifference to the physical or psychological well-being of another person, intentionally causes permanent disability or disfigurement of another human being or deprives a human being of a limb, organ, or member of his or her body. Under the bill, it would not be necessary to prove an intent to kill. It would

---

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

thus constitute 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 786 (SB 142) Deddeh. Local transportation authorities.

(1) Existing law establishes local transportation agencies in particular counties and authorizes those agencies, upon voter approval, to impose a retail transactions and use tax and to issue limited obligation bonds, and to use the revenue for specified transportation purposes.

This bill would enact the Local Transportation Authority and Improvement Act to authorize any county board of supervisors to create or designate a local transportation authority in the county. The bill would authorize a local transportation authority, by a ⅔ vote thereof and upon subsequent voter approval, to impose a retail transactions and use tax of up to 1%, with a specified exception, and to issue and sell limited obligation bonds, which are payable from the revenues of that tax, for specified transportation purposes.

The bill would specify that the combined rate of all transactions and use taxes imposed in any one county could not exceed 1%.

(2) Existing law requires the State Board of Equalization to administer the transactions and use taxes imposed by local transportation authorities

This bill would require the board to prepare an annual report on the costs incurred by it in administering those taxes

Ch 787 (SB 787) Vuich. Industrial loan companies. insurance.

(1) Under existing law, "insured company" is defined to mean a thrift and loan company licensed by the Commissioner of Corporations, as specified, and whose investment certificates are insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation.

The bill would eliminate from the definition of "insured company" thrift and loan companies, whose investment certificates are insured by the Federal Savings and Loan Insurance Corporation

(2) Existing law requires the Commissioner of Corporations, prior to approving an application for a branch office of an industrial loan company, to find that the additional branch will satisfy specified requirements

This bill would also require the commissioner, before approving a company's expansion, to ascertain that the company is a member of the Federal Deposit Insurance Corporation

(3) Existing law specifies the maximum amount of investment certificates that an industrial loan company may have outstanding and authorizes the commissioner to provide for a lesser aggregate sum or none at all if reasonable and necessary or advisable for the protection of the public

This bill would authorize the commissioner, in determining whether a specific level of outstanding investment certificates is reasonable and necessary or advisable for the protection of the public, to consider the fact that the company is not a member of the Federal Deposit Insurance Corporation.

(4) Under existing law, the Board of Directors of the Guaranty Corporation is composed of 11 members, 4 of which are public members.

This bill would provide that commencing in 1989, the board of directors shall consist of 7 members, 2 of which shall be public members, and in 1990 and thereafter, the board of directors shall consist of 5 members, one of which shall be a public member.

(5) Existing law authorizes the creation of a successor corporation to the Thrift Guaranty Corporation to guarantee the outstanding investment certificates of industrial loan companies as an alternative to insurance offered by the Federal Deposit Insurance Corporation or insurance by a private insurer, surety, or guarantee company or companies, as specified

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

This bill would eliminate these alternative methods of insuring outstanding investment certificates and would require that, until July 1, 1990, outstanding investment certificates of industrial loan companies be insured or guaranteed by the Thrift Guaranty Corporation or that the industrial loan company participate as a member of the Federal Deposit Insurance Corporation.

This bill would also require that, on or after July 1, 1990, each industrial loan company that has issued and has outstanding thrift obligations participate as a member of the Federal Deposit Insurance Corporation.

(6) Under existing law, Thrift Guaranty Corporation has the power to seek insurance, guarantee, or surety, as specified until July 1, 1990

This bill would clarify that after July 1, 1990, Thrift Guaranty Corporation is to remain in existence to assist remaining member industrial loan companies, as specified, and to guarantee outstanding thrift obligations sold and issued by member industrial loan companies, as specified.

(7) Existing law authorizes a company to engage in the industrial loan business according to requirements set forth in the Financial Code.

This bill would prohibit the selling and issuing of investment certificates by any industrial loan company which has failed to comply with specified requirements by June 30, 1990

Ch 788 (SB 1485) Bergeson. Water rights.

Under existing law, the State Water Resources Control Board is required to consider and act upon all applications for permits to appropriate water and to do all things required or proper relating to those applications.

This bill would authorize the board, following notice and hearing as prescribed, and upon specified findings, to adopt a declaration that a stream system, as defined, is fully appropriated The bill would prohibit the board from thereafter accepting for filing any application for a permit to appropriate water from the stream system, but would permit the board to specify conditions and limitations under which the board will accept filings of applications The bill would authorize the board to revoke or revise a declaration in accordance with prescribed procedures.

Ch. 789 (SB 1482) Montoya Escrow Agents' Fidelity Corporation.

Existing law requires the establishment of the Escrow Agents' Fidelity Corporation, the purpose of which is to indemnify escrow agents against loss of trust obligations, as specified.

This bill would make various changes in the law relating to that corporation including revising the purposes of the corporation, providing for an annual assessment of $1,000 per licensed location for failure of a member to file a specified schedule of escrow liability; requiring members to pay assessments within 60, rather than 90 days after written notice, and providing for the summary suspension by the Commissioner of Corporations of a company for failure to pay an assessment, as specified

Ch 790 (SB 1462) Keene Industrial loan companies.

Existing law authorizes an industrial loan company to charge a loan fee in connection with a loan secured by real property having a face amount in excess of $10,000 whether or not the loan is consummated, or in connection with the purchase, sale, or origination of a lease as lessor

This bill would instead permit the charging of that fee where the loan has a face amount in excess of $5,000. It would also authorize the charging, contracting for, and receiving of an application fee, as specified

Existing law prohibits an industrial loan company from making any loan to, or purchasing or discounting bona fide trust receipts secured or unsecured, and choses in action, security agreements or conditional sale contracts or any other property from persons who do not reside in California, with specified exceptions

This bill would instead prohibit an industrial loan company from making loans to, or purchasing any obligations from, persons who do not reside in California, with specified exceptions. It would specifically authorize an industrial loan company to make loans to,

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

or purchase any obligations from, persons who do not reside or have a place of business in the State of California not to exceed 20%, in the aggregate, of the company's total assets

Ch. 791 (SB 366) Maddy Pesticides.

(1) Under existing law, an action to seek a penalty for a violation of laws relating to agricultural pest control operations or agricultural pesticides must be brought within one year of its occurrence.

This bill would extend the time for bringing an action for a violation of these laws to 2 years. However, when an investigation is completed and submitted to the Director of Food and Agriculture, the bill would require that the action be commenced within one year of that submission.

(2) Existing law prohibits any person from acting as a pesticide dealer unless that person is licensed by the director.

This bill would establish a separate license for designated agents of pesticide dealers. Since violation of these license requirements would be a misdemeanor, 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.

Ch 792 (SB 1623) Roberti. Crimes. dogs. fighting

Existing law provides that any person who engages in any of a list of specified acts relating to the fighting of dogs is guilty of a crime punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed $50,000, or by both the fine and imprisonment.

This bill would elevate each of these offenses to a felony and would provide that an offender is punishable by imprisonment in the state prison for 16 months, or 2 or 3 years, or by a fine not to exceed $50,000, or by both the fine and imprisonment.

Ch. 793 (SB 634) Rogers. Water storage districts: assessments

(1) Under the California Water Storage District Law, if no redemption is made within 3 years from the date of sale of property for unpaid assessments, the purchaser or the district, if the property has been sold to the district, is entitled to a deed to the property executed by the county treasurer.

This bill would require the county treasurer, after receiving a demand for a deed, to publish, as prescribed, a specified notice. The bill would require the county treasurer, or the district, if it was the purchaser, to send by certified mail to each of the parties of interest, as specified, a copy of the notice. The bill would thereby impose a state-mandated local program. The bill would provide for specified costs thereby incurred to be added to the costs of redemption.

The bill would also require specified additional information to be included in the notice required to be sent to each landholder requesting payment of an assessment amount, and would prescribe related matters.

The bill would cancel any deed delivered to the district as purchaser prior to the operative date of the bill if the affected property has not been sold and conveyed by the district, and would make that property subject to redemption until a new deed has been executed and delivered to the district in accordance with 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 provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 794 (SB 615) Kopp. Hunters Point Reclamation District.

(1) Under existing law, the Hunters Point Reclamation District is created by a special act of the Legislature.

This bill would repeal the Hunters Point Reclamation District and would dissolve the district. The bill would designate the City and County of San Francisco as successor to the district for the purpose of winding up the affairs of the district pursuant to specified provisions, 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 795 (SB 588) Ellis Fire districts.

Existing law provides several methods for selecting the board of directors of fire protection districts and specifies the number of directors to be selected

This bill would provide that, notwithstanding those provisions, when any fire protection districts in San Diego County or Santa Cruz County are consolidated during the one-year period after the effective date of this bill, the board of directors shall be composed of 5, 7, or 9 members as determined by, and selected from, the members of the former fire protection district boards and shall serve 2- or 4-year terms, as specified. Subsequent terms would be filled by election. By prescribing the membership and terms of members of the boards of those fire protection districts, this bill 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

This bill would make legislative findings and declarations with regard to the need for a special law applicable to fire protection districts in San Diego County and Santa Cruz County.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 796 (SB 535) Craven State Board of Forestry, Water Commission, Reclamation Board compensation.

(1) Under existing law, compensation may be received in excess of expenses by a member of the Boating and Waterways Commission, but may not exceed $100 per month. Whenever a member of a board or commission created by statute is authorized a per diem salary or allowance in excess of expenses, the rate is $100 per day unless a higher rate is provided by statute

This bill would delete the maximum amount which may be received each month by a member and would, instead, provide that a member could receive compensation for not more than 14 days per year.

(2) Under existing law, compensation may be received in excess of expenses by a member of the State Board of Forestry for each day the member is engaged in the performance of official duties, but may not exceed a total of $4,000 per year, or $5,000 per year for the chairman Whenever a member of a board or commission created by statute is authorized a per diem salary or allowance in excess of expenses, the rate is $100 per day unless a higher rate is provided by statute.

This bill would delete the maximum amounts which may be received and would instead provide that each member could receive compensation for not more than 80 days per year, and the chairperson could receive compensation for not more than 100 days per year. The bill would make conforming changes.

(3) Under existing law, compensation may be received by a member of the California Water Commission in excess of expenses for each day during which the member is engaged in official duties, but may not exceed a total of $2,000 per year or $3,000 per year for the chairperson Whenever a member of a board or commission created by

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

statute is authorized a per diem salary or allowance in excess of expenses, the rate is $100 per day unless a higher rate is provided by statute

This bill would delete the maximum amount which may be received and would instead provide that each member could receive compensation for not more than 40 days per year and the chairperson could receive compensation for not more than 60 days per year.

(4) Under existing law, compensation may be received by members of the Reclamation Board in excess of expenses for each day during which the member is engaged in official duties, but may not exceed a total of $2,000 per year. Whenever a member of a board or commission created by statute is authorized a per diem salary or allowance in excess of expenses, the rate is $100 per day unless a higher rate is provided by statute.

This bill would delete the maximum amount which may be received and would instead provide that each member could receive compensation for not more than 40 days per year

Ch 797 (SB 1213) Morgan Student financial aid Student Aid Commission

Existing law authorizes the Student Aid Commission to administer various financial aid programs and requires the commission to adopt any rules or regulations it deems necessary

This bill would require that the rules and regulations adopted pursuant to this provision include authorization for the commission to impose a civil penalty in an amount not to exceed $25,000 per violation of any applicable law, rule, regulation, limitation, consent agreement, or school or lender agreement by a financial or educational institution, relative to a state financial aid program Prior to the imposition of any civil penalty, this bill would require that a hearing be held, upon request of the institution and that specified action has been initiated against the institution

This bill would authorize the commission to order that all state financial aid funds scheduled to be delivered to an educational institution be withheld, upon the commencement of any cause of action relative to a state financial aid program, including an emergency action, and deposited in a separate state account and would require the director of the commission to give notice to the institution and affected students of any action taken pursuant to this provision This bill would authorize definition of the terms "cause of action" and "emergency action" by regulations, as specified This bill would authorize the director of the commission, in order to alleviate the financial hardships that the withholding of state financial aid funds to an educational institution would impose upon students affected by this withholding, to release the state financial aid funds withheld to these students, with priority being granted to the release of funds for subsistence payments

This bill would require the director of the commission to give notice, in writing, of the commencement of any cause of action, including an emergency action, against a private postsecondary educational institution, in connection with specified state financial aid programs, to the Private Postsecondary Education Division of the State Department of Education within 5 days of the action commencing

This bill would require the Private Postsecondary Education Division of the State Department of Education to commence and conclude an investigation of the institution named in the notice, within a specified time period, and to take action against the institution, as appropriate

This bill would require that the director, upon the termination of the action, order the disposition of the withheld funds in a manner consistent with the outcome of the action and in the best interest of the affected students.

This bill would require that the moneys derived from the assessment of penalties be deposited in the State Guaranteed Loan Reserve Fund, a continuously appropriated fund, and would thereby constitute an appropriation.

Ch. 798 (SB 1168) Hart Public Utilities Commission: subsidiary, affiliate, and holding corporations audits.

Existing law permits the Public Utilities Commission to inspect the accounts, books, papers, and documents of any business which is a subsidiary or affiliate of, or a corpora-

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

tion which holds a controlling interest in, an electrical, gas, or telephone corporation concerning transactions between the subsidiary, affiliate, or holding corporation and the electrical, gas, or telephone corporation, as specified. Existing law generally provides civil penalities for a knowing violation of a commission order or decision by a corporation or person which is not a public utility or for aiding and abetting such a violation by a public utility.

This bill would authorize the commission, when it finds and determines that an electrical, gas, or telephone corporation willfully made an imprudent payment to, or received a less than reasonable payment from, a subsidiary or affiliate of, or corporation holding a controlling interest in, the electrical, gas, or telephone corporation in violation of any commission rule or order that has been adopted and published, as specified, following a hearing, to levy a penalty, as specified, on the corporation. The bill would authorize the commission to consider specified multistate public utility diversification activities in determining whether to impose a penalty. The bill would also state the intent of the Legislature in enacting these provisions.

Ch. 799 (SB 524) Russell. Subdivision Map Act violations

(1) Existing law makes violations of the Subdivision Map Act punishable as misdemeanors by imprisonment in the county jail for not more than 6 months, a fine not exceeding $1,000, or both.

This bill would impose a state-mandated local program by making violations of the Subdivision Map Act committed by the subdivider or by a record owner of the involved real property, at the time of the violation, punishable by imprisonment in the county jail for not more than one year or in the state prison for 16 months, or 2 or 3 years, by a fine not exceeding $10,000, or by both the fine and imprisonment. The bill would also toll the statute of limitations for bringing a criminal or civil action for violations of the Subdivision Map Act during the time no constructive notice of the transaction exists, because the owner of record has not recorded a deed, lease, or financing document with the county recorder.

(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. 800 (SB 517) Deddeh. Insurance

Existing law provides that notice of cancellation of a policy of automobile liability, automobile physical damage, or automobile collision coverage, or any combination thereof, shall be effective only if it is based on specified grounds.

This bill would provide that a notice of cancellation for those policies shall be effective upon discovery of fraud by the named insured in pursuing a claim under the policy provided the insurer does not rescind the policy.

Existing law, with respect to the mailing of notice of cancellation of certain policies of property insurance provides that those notices shall be in writing, mailed to the named insured, and that upon written request of the named insured, the insurer shall furnish the facts upon which the cancellation is based.

This bill would instead provide that upon written request of the named insured, *mailed or delivered to the insurer within 15 days of the date of cancellation, the insurer* shall specify reasons for the cancellation except where the reason is nonpayment of premium and is so stated on the cancellation

Existing law specifies the required and optional provisions with respect to a policy of automobile liability insurance. Existing law authorizes an insurer and insured to agree to certain limitations including a provision that coverage under the policy and the insurer's obligation to defend shall not accrue to the benefit of the insured while the motor vehicle is being used or operated by a natural person designated by name. However, the insurer shall have an obligation to defend the named insured when specified conditions are present

This bill would provide that an agreement made by the insurer and any named

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

insured more than 60 days following the inception of the policy excluding a designated person by name shall be effective from the date of the agreement and shall, with the signature of a named insurer, be conclusive evidence of the validity of the agreement

Existing law with respect to uninsured motorist coverage, provides, among other things, that such insurance coverage does not apply as primary or excess coverage when, among other things, there is bodily injury to the insured while occupying a motor vehicle owned by the insured, unless the occupied vehicle is an insured vehicle

This bill would instead provide that the insurance does not apply either as primary or excess coverage when there is bodily injury to the insured while occupying a motor vehicle owned by the insured or leased to an insured under a written contract for a period of 6 months or longer, unless the occupied vehicle is an insured vehicle.

Ch 801 (SB 1554) Kopp Crimes transportation

(1) Existing law provides that robbery committed against specified transportation workers while performing their duties is first degree robbery punishable by imprisonment for 3, 4, or 6 years. All other robberies are second degree robberies punishable by imprisonment for 2, 3, or 5 years.

This bill would make robbery against passengers on certain transportation vehicles or cars first degree robbery.

(2) Existing law provides misdemeanor punishment for assault or battery generally, but an increased penalty for assault, and alternative felony-misdemeanor punishment for battery, is authorized when the victim is, among others, a transportation worker, as specified.

This bill would impose the increased penalties when the victim is a passenger on certain transportation vehicles

(3) Existing law specifies that the provisions set forth in paragraphs (1) and (2) apply in cases involving the commission of the specified crimes on other vehicles operated on land.

This bill would delete the restriction concerning operation on land with respect to other vehicles.

(4) Existing law currently does not contain a provision which specifically prohibits the counterfeiting, forging, or altering, or knowing possession of, any counterfeit, forged, or altered fare media designed to entitle the holder to a ride on vehicles of a public transportation system, as defined, or on vehicles operated by entities subsidized by the Department of Transportation, or the uttering, publishing, or putting into circulation any fare media with the intent to defraud

This bill would impose those specific prohibitions. It would make a violation of the prohibition against counterfeiting, forging, or altering any fare media, either a misdemeanor or a felony, and it would make it a misdemeanor to knowingly possess any counterfeit, forged, or altered fare media, or to utter, publish, or put into circulation any fare media with the intent to defraud, as specified. It would thus constitute 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

Ch. 802 (SB 1017) Doolittle Development projects.

Under existing law, any public agency which has received an application for a development project has 30 calendar days to determine whether the application is complete Existing law requires that lists of information which will be required of a development project applicant and notice requirements of time limits in the application process be revised to be current and accurate at all times.

This bill would require that any revisions of the information and time limits apply prospectively only and prohibit them from being a basis for determining that an application is incomplete if the application is received before the revision is effective, except for certain conditions which were not known and could not have been known at the

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

time

Ch. 803 (AB 450) Costa. Subdivisions: judicial review of dedication requirements.

(1) Under existing law, any public agency which has received an application for a development project has 30 calendar days to determine whether the application is complete. Existing law requires that lists of information which will be required of a development project applicant and notice requirements of time limits in the application process be revised to be current and accurate at all times

This bill would require that any revisions of the information and time limits apply prospectively only and prohibit them from being a basis for determining that an application is incomplete if the application is received before the revision is effective, except for certain reasons resulting from conditions which were not known and could not have been known at the time

(2) Existing law, which will be repealed on January 1, 1988, sets forth special procedures for judicial review, by a writ of mandate applicable to administrative decisions, of land dedication requirements imposed by a city or county as a condition of subdivision approval. Existing law authorizes the court, upon determining the dedication requirement to be invalid, to order the city or county to elect to either (a) require amendment of the tentative map or redesign of the subdivision, (b) pay just compensation for that portion of the dedication deemed to be excessive, or (c) delete or modify the dedication found to be excessive Under existing law, the city or county is conclusively presumed to have elected to pay just compensation if within 45 days of the court's order it fails to elect to take one of the other actions

This bill would extend the above provisions until January 1, 1996

(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 However, the bill would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement

Ch. 804 (AB 453) Bradley. Consumer affairs. civil engineering land surveying

(1) Existing law provides for the licensure and regulation of a person who engages in the practice of civil engineering, as defined. Existing law generally provides that it is a misdemeanor for a person to engage in the practice of civil engineering, unless legally authorized to do so.

This bill would specify that the coordination of the work of specified professional, technical, or special consultants is an activity included within the practice of civil engineering. This bill would impose a higher level of service upon local governments by expanding the scope of an existing crime

(2) Existing law provides that (A) all civil engineering plans, specifications, reports, or documents shall bear the signature, seal or stamp, and the expiration date of the certificate or authority, of the registered civil engineer preparing them; and (B) all maps, plats, reports, descriptions, or other documents shall bear the signature, seal or stamp, and the expiration date of the license or registration, of the licensed land surveyor or registered civil engineer preparing them

This bill would provide that if these documents have multiple pages or sheets, the signature, seal or stamp, and expiration date need only appear on the originals of specified documents and on the title sheet of the originals of other specified documents, and would delete the application of the requirement to civil engineering documents, except as specified.

(3) This bill, also would make statements regarding its intent, and would make a statement that specified provisions of the bill are declaratory of existing law.

(4) The bill would incorporate additional changes in Section 8761 of the Business and Professions Code, proposed by SB 1125, to be operative only if SB 1123 and this bill are both chaptered and become effective on January 1, 1988, and this bill is chaptered last.

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

(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. 805 (SB 1123) L Greene. Land surveyors

(1) Existing law, the Land Surveyors' Act, among other things, requires any person practicing, or offering to practice land surveying in this state to submit evidence that he or she is qualified to do so and be licensed pursuant to the act

This bill would specifically prohibit a person from practicing land surveying unless appropriately licensed or specifically exempted from licensure. It would only permit licensees to take or use various titles, as specified.

(2) 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 various specified acts including the making of any survey for the subdivision or resubdivision of any tract of land.

This bill would also include within the practice of land surveying, the determination of certain descriptive deed, trust deed, or other title document information.

(3) Existing law makes it unlawful for any person to sign, stamp, or seal any map, plat, report, description, or other document unless he or she is authorized to practice land surveying

This bill would also make it unlawful to approve any of those documents unless authorized to practice land surveying, and would make related changes.

(4) The bill would also require that reasonable property access be accorded land surveyors and provide that a right of entry is not contingent upon prior notice to the property owner or tenant, as specified.

(5) Provisions of the bill would place new duties on local entities, and a violation of provisions of this bill would constitute a misdemeanor, thus imposing a state-mandated local program.

(6) The bill would incorporate additional changes in Section 8761 of the Business and Professions Code, proposed by AB 453, to be operative only if AB 453 and this bill are both chaptered and become effective on January 1, 1988, and this bill is chaptered last

(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 for certain costs no reimbursement is required by this act for a specified reason.

Moreover, the bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for other 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 those other costs.

Ch 806 (SB 706) McCorquodale. PERS survivors' continuance benefits school members [8]

A provision of the existing Public Employees' Retirement Law which was effective on June 30, 1982, but became operative on July 1, 1983, provides, upon the death of certain retired school members whose retirement dates were effective before July 1, 1983, for the continuance of portions of their retirement allowances to certain of their survivors. A trial court has overruled the interpretation by PERS that that provision applies only to retired school members who were alive on July 1, 1983.

This bill would delete the requirement that the effective date of retirement be before July 1, 1983, and require any applicant, if the retirement board does not possess sufficient related data, to furnish sufficient data to establish entitlement. The benefits would be paid commencing on the first day of the month succeeding the month in which the retirement board received the application. The system would not be required to make

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

certain identifying, locating, and notifying actions. The costs of the additional benefit provided pursuant to the trial court decision would be paid out of the reserve against deficiencies. This bill would also express the related intent of the Legislature

Ch 807 (AB 1226) Calderon California State University campus fire apparatus engineers. retirement benefits.

Existing law includes within the Public Employees' Retirement System (PERS) those state employees who are peace officers or firefighters and provides them with certain retirement benefits

This bill would include within the "state peace officer/firefighter member" classification, campus fire apparatus engineers who are members represented by Technical and Support Services Unit No 9, and would provide them with the retirement benefits provided to state peace officer/firefighter members Its provisions would only become operative if authorized by and in accordance with a memorandum of understanding entered into pursuant to the Higher Education Employer-Employee Relations Act.

Ch. 808 (SB 1466) Marks Insurance· complaints

Existing law does not require a policy of insurance, whenever it is issued to a new policyholder, to include a written disclosure containing the name, address, and toll-free telephone number of the unit within the Department of Insurance which deals with consumer affairs

This bill, operative July 1, 1988, would impose that requirement upon certain insurers, as specified.

Ch. 809 (AB 519) Frizzelle Senior citizens health care [9]

Existing law provides for various publicly funded health programs including the Medi-Cal program under which the state reimburses health care providers for giving specified services to low-income and indigent recipients.

This bill would require the Office of Statewide Health Planning and Development to conduct a needs assessment study of the availability of adequate and timely dental care, eye care, and hearing care to senior citizens age 60 and older with low incomes. It would require the office to make a report concerning the results of the study and to determine whether there is a need for a state loan or grant program to provide these services

The bill would appropriate $225,000 from the General Fund to the office for the implementation of this bill

Ch 810 (AB 353) Tucker. Service credit in PERS. prior military service

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 leave; 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.

This bill would include, for the PERS, as "public service," time during which any state member, or school member or retired former state member or retired former school member, who retired on or after December 31, 1981, with at least 10 years of service in the system, served for not less than one year in the armed forces or Merchant Marine, as specified, of the United States prior to first state or school employment, on the basis of one year of credit for each 5 years of service in the system, not to exceed a total of 4 years' credit, provided that the member or retired former member pays all reasonable administrative costs and contributions sufficient to cover the total employer and employee cost thereof, at rates to be determined by the board Administrative costs paid to PERS would be appropriated to fund positions deemed necessary for implementing this bill Resulting increases in retirement allowances would be required to be prospective only.

Ch 811 (AB 336) Agnos. University of California the Hastings College of the Law endowment investment and management policies

---

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

Existing law does not specify whether the Hastings College of the Law must comply with the endowment investment and management policies of the Regents of the University of California, including the requirement that annual audits be conducted, as specified.

This bill would require that the Hastings College of the Law so comply The bill would express the intent of the Legislature that the regents provide for a review of the annual audits and report any violation revealed by the audits to the Board of Directors of the Hastings College of the Law and to the Legislature

Ch. 812 (AB 647) Stirling. State and county buildings

(1) Under existing law, the Department of General Services and other state agencies are authorized to construct or lease state buildings.

This bill would provide that whenever the Director of General Services, or any other director of a state agency who has the necessary decisionmaking authority, decides either to construct a state building, to expand an existing building, expand the use of an existing building, or to lease an existing building he or she shall notify, in writing, within 60 days prior to going out to bid or entering into a lease, certain Members of the Legislature, the clerk of the county board of supervisors in the county in which the building is to be leased, expanded, or constructed and, where appropriate, the mayor and city clerk of the city in which the building is to be constructed, expanded, or leased, of his or her intent to construct, expand, or lease the building and the location of the building.

The bill also requires the decisionmaking authority to notify the clerk of the legislative body of the affected agency, in writing, within 60 days of the construction, expansion, or lease of a building in those instances where the decisionmaking authority is exempt from the bidding process.

(2) Existing law permits a county board of supervisors to construct, lease, build, rebuild, furnish, refurnish, or repair buildings, as specified, as are necessary to carry out the work of the county government

This bill would additionally permit a board to expand existing buildings and would provide that whenever the board decides to go out to bid to construct a county building, expand an existing building, expand the use of an existing building, or enter into a lease of an existing building, as specified, the board shall notify in writing, 60 days prior to going to bid or entering into a lease, the city clerk of the city where the building is to be constructed, expanded, or leased

In addition, the bill would require the board to notify the city clerk in writing, within 60 days of the construction, expansion, or lease of a building in those instances where the board is exempt from the bidding process. This requirement would impose a new duty on counties and, therefore, 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.

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 those costs

This bill would also require the Department of General Services to conduct 2 separate studies regarding the feasibility of consolidating certain state leaseholds into state buildings to be located in El Cajon and Riverside County.

Ch. 813 (AB 1184) Costa PERS 2%-at-50 formula: certain Kings County peace officers.

The existing Public Employees' Retirement Law authorizes contracting agencies to elect a 2%-at-50 service retirement formula for local safety members

This bill would authorize that election to be made by a contracting agency which is a county of the 33rd class and which has entered into a memorandum of understanding

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

agreeing thereto, for only specified county peace officers performing active law enforcement duties and would make related statements of legislative intent and findings This new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise is 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, 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 814 (AB 1475) La Follette Animals. cruelty.

Existing law provides, except as specified, that every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal which is the property of another, or maliciously and intentionally kills an animal which is the property of another is guilty of an offense punishable by imprisonment in the state prison, or a fine, or both, or by imprisonment in the county jail, or a fine, or both

This bill would also make that provision applicable in a case where the animal is the property of the person performing those acts, and thus this bill would impose a state-mandated local program by expanding the scope of an existing crime

Existing law provides, except as specified, that every person who maliciously and intentionally maims, mutilates, or tortures specified mammals, birds, reptiles, amphibians, or fish, if specified facts regarding that person are proven, is guilty of an offense punishable by imprisonment in the state prison, or a fine, or both, or by imprisonment in the county jail, or a fine, or both

This bill would eliminate, as an element of the above crime, that specified facts regarding the person be proven, and thus this bill would impose a state-mandated local program 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

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

Ch. 815 (AB 1686) Moore Insurance.

Existing law imposes various requirements for liability insurance

This bill would provide that every policy of insurance issued or renewed for residential property shall cover liability incurred in connection with the use of the property as an election polling place

Existing law, with respect to automobile insurance, requires insurers to submit, as prescribed, records of loss experience for geographic areas, including statistical data by zip code area, to the Insurance Commissioner for examination, in order to ensure homogeneity of loss experience in geographic areas used for rating purposes by admitted insurers

This bill would provide, effective July 1, 1988, that loss experience be reported by insurers licensed to issue and issuing motor vehicle liability policies or motor vehicle physical damage policies, or both, and shall include separate loss data for each type of coverage, including liability or physical damage coverage, underwritten

Ch 816 (AB 1834) Connelly. Nursing home administrators

(1) Existing law requires nursing home administrators to complete a specified number of hours of continuing education, as determined by the State Board of Examiners of Nursing Home Administrators, as a condition of renewal of their license

This bill would require that the continuing education consist of the number of class-

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

room hours specified by the board, at least 25% of which are to be in the area of aging and patient care.

The bill would require the board to conduct a study on the approval process for those continuing education courses and the administrator training programs The bill would require the board to report to the Legislature on or before December 1, 1988, on the progress of the study.

(2) This bill would require an administrator to report to the board each time he or she becomes the designated administrator of a long-term facility and each time the appointment terminates and would require the board to provide this information to the State Department of Health Services.

(3) Existing law does not require the state department to report to the board.

This bill would require the board to make a determination, following receipt of specified reports from the department, whether remedial or disciplinary action against an administrator is warranted, and would require the board to maintain a record of enforcement actions reported to the board by the state department, as specified The bill would require continuous review of administrator files where citation reports have been received, and would generally provide for remedial and disciplinary procedures.

The bill would require the board to maintain a current listing of administrators who have been placed on probation or had their licenses suspended or revoked, as prescribed It would provide for the dissemination of this information.

(4) Under existing law, the board is authorized to deny, or suspend or revoke, an administrator's license upon various enumerated grounds

This bill would, in addition, authorize the board to deny, or suspend or revoke, that license for failure to report the facility in which the administrator is employed or any transfer to another facility, and for specified actions taken against long-term health care facilities that constitute evidence of repeated poor performance which constitutes gross negligence or incompetence on the part of the administrator warranting remedial or disciplinary action

(5) This bill would require the board to report to the Legislature by March 1, 1989, as specified. The bill would also impose various new administrative duties on the board.

(6) The provisions of the bill, except those requiring the board to develop internal policies and procedures, would become operative on July 1, 1988.

Ch. 817 (AB 2529) Jones. Water hydroelectric power

Existing law makes various declarations of state policy concerning the development of hydroelectric energy and the creation and development of small hydroelectric facilities, as specified

This bill would delete those declarations

Ch 818 (SB 480) L Greene Genetic disease testing

Existing law provides for the creation of a genetic disease unit within the State Department of Health Services, which shall coordinate all programs of the department in the area of genetic disease.

Existing law requires the genetic disease testing unit to evaluate and prepare recommendations on the implementation of tests for the detection of specified diseases.

This bill would require the genetic disease testing unit to evaluate and prepare recommendations on the implementation of tests for the detection of specified diseases, and would delete certain other diseases previously listed

The bill would require a report, including recommendations and an implementation schedule, concerning these diseases to be submitted to the Legislature on or before January 30, 1988. Followup reports on these recommendations would be required to be included each year in an annual report currently required to be submitted to the Legislature by the State Director of Health Services

This bill would require regulations adopted pursuant to these provisions regarding genetic disease to be deemed emergency regulations.

Existing law provides for the Genetic Disease Testing Fund, which is continuously appropriated to the department for purposes of the functions of the genetic disease testing unit.

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

This bill would appropriate $150,000 from that fund to the department for the 1987–88 fiscal year, in order to provide permanent staff for the genetic disease unit.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 819 (SB 579) Dills. Polygraph examiners: fees.

Existing law specifies the fees to be assessed for licensure under the Polygraph Examiners Act, including an initial license fee of $150 and a renewal fee of $150.

This bill would increase the initial license fee and the renewal fee to $225.

These provisions would become operative only if SB 1062 of the 1987–88 Regular Session is enacted.

Ch 820 (AB 158) Killea. San Diego Bay water quality.

(1) Under existing law, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with primary responsibility for the coordination and control of water quality.

This bill would, until January 1, 1993, create the San Diego Interagency Water Quality Panel consisting of representatives, as specified, of governmental agencies having jurisdiction over various activities involving San Diego Bay and other interested parties, to study and make recommendations on specified matters involving water quality and to provide technical and advisory input into specified activities of the San Diego Regional Water Quality Control Board The bill would require the panel to publish annually a report, including recommendations, on the status of water quality in the bay

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

Ch. 821 (AB 231) Lancaster. Insurance: availability.

Under existing law, if the Insurance Commissioner finds that commercial liability insurance for a designated class of risk is not readily available, the commissioner may authorize the formation of voluntary market assistance programs.

This bill would repeal that provision and would enact a similar provision applicable generally to liability insurance, except as specified, instead of only commercial liability insurance. It would also require any market assistance program to give consideration to the need for adequate and readily accessible coverage, to alternative methods of market improvement, to reasonable underwriting standards, and reasonable loss prevention measures, and to establish procedures that will create minimum interference with the voluntary market It would also require voluntary plans to be submitted to the commissioner for approval.

This bill would further provide that if, after a hearing, the Insurance Commissioner determines that a market assistance program has failed to provide adequate liability insurance coverage, the commissioner may order the creation of a temporary joint underwriting association. Every insurer writing liability insurance would be a member of the association

The association would continue in existence for one year from the date of its creation unless renewed because of a determination of necessity for continued existence. This bill would set forth the powers and duties of the association.

The bill would also provide that the commissioner may hold a public hearing on the effectiveness of any market assistance program already in existence on January 1, 1988, in order to determine if the market assistance program has provided adequate liability insurance coverage The bill would also authorize the commissioner to order the creation of a Joint Underwriting Association, as specified.

The association would be required to have a plan of operation to provide for liability insurance for designated types of risks, as specified, subject to the approval of the commissioner.

The bill would require the commissioner to appoint an advisory committee, as specified, for any class of liability insurance designated to participate in the Joint Underwriting Association. The committee would be required to review the proposed plan of operation and communicate any omissions or deficiencies in the plan to the commissioner, as specified.

The bill would contain related provisions

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

The bill would remain in effect until December 31, 1994, when it would be repealed.

Ch 822 (AB 526) O'Connell Hazardous waste facility permits.

(1) Existing law requires operators of hazardous waste facilities to obtain a hazardous waste facilities permit from the State Department of Health Services The department is authorized to grant interim status to any person operating a hazardous waste facility pending the department's decision on the permit A person operating under interim status is prohibited from treating, storing, or disposing of hazardous waste which is not identified, employing processes not described in the permit application, or making substantial modifications or additions to the facility. The department is prohibited from granting interim status to any person who has had a permit suspended or revoked

This bill would revise the actions which a person operating under interim status is prohibited from taking with regard to Part A of the permit application The bill would additionally prohibit the department from granting interim status to any person who has been denied a permit or had a grant of interim status terminated

The bill would require the department, on or before November 8, 1988, to take final action on any hazardous waste facilities permit application filed before January 1, 1988, for a hazardous waste facility operating under interim status on January 1, 1988, which uses a land disposal method, and disposes of hazardous waste regulated under the federal Resource Conservation and Recovery Act of 1976, as amended The bill would require an applicant for a final hazardous waste facilities permit who receives a notice of deficiency to submit specified information to the department and would authorize, and under specified conditions require, the department to take specified enforcement actions against a person who does not comply with these requirements

(2) Existing law directs the department to submit a report to the Legislature by January 1 of each odd-numbered year, which is required to include the status of the hazardous waste facilities program

This bill would require the report to contain specified information concerning certain hazardous waste land disposal facilities

(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 a new crime concerning hazardous waste facilities permit applications

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

Ch 823 (SB 630) Dills Community colleges emergency apportionments

Chapter 1486 of the Statutes of 1986, effective January 1, 1987, changed the procedure regarding emergency apportionments for community college districts by, among other things, repealing the law governing the procedure that was effective prior to January 1, 1987.

This bill would require that emergency apportionments for community college districts authorized by the Legislature prior to July 1, 1987, be governed by the procedure that was repealed by Chapter 1486 of the Statutes of 1986

Under existing law, provisions establishing that in any community college district a part-time instructor shall not exceed a specified number of weekly faculty contact hours and requiring a plan of compliance if the number of hours is exceeded, became inoperative on July 1, 1987, and will be repealed on January 1, 1988, unless a later enacted statute, which becomes effective on or before January 1, 1988, deletes or extends the date on which the provisions will be repealed

This bill would reactivate those provisions and would provide that the provisions would become inoperative on July 1, 1989, and shall be repealed on January 1, 1990, unless a later enacted statute, which becomes effective on or before January 1, 1990, deletes or extends the dates on which the provisions become inoperative and are repealed, 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 proce-

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

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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 824 (SB 692) Keene. Nonresidential rental control.

Under existing law, terms for the hiring of real property are determined by the contract of the parties in the absence of governmental regulation.

This bill would prohibit public entities from enacting or enforcing controls on rents, the rental term, or tenant selection affecting specified commercial property Hotel units meeting specified criteria and subject to these controls on August 5, 1987, would remain subject to the controls as in effect on that date until changed. The bill would authorize a public entity to establish, as specified, requirements for notice relating to termination of a lease of commercial real property due to expiration of its term. The bill would declare that it shall not be construed to impair contractual obligations entered into prior to January 1, 1988, and would clarify its application in respect to certain other laws. The bill would not preclude regulation of rents in consideration of direct financial contributions under an agreement with the property owner.

Ch. 825 (SB 978) Rosenthal. Hearing aid dispensers.

Existing law specifies the requirements for licensure as a hearing aid dispenser and requires, among other things, that the applicant satisfy a written examination and a demonstration of proficiency.

This bill would revise the contents of the written examination and the demonstration of proficiency examinations

Existing law requires hearing aid dispensers to complete specified continuing education requirements as a condition of renewal of their license

This bill would provide that continuing education courses shall be subject to monitoring to ensure compliance with regulations adopted by the Hearing Aid Dispensers Examining Committee.

The bill would appropriate $19,000 from the Hearing Aid Dispensers Fund for the purpose of implementing the above provisions of law.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Hearing Aid Dispensers Fund Because this bill would make the moneys available for a new purpose, it would constitute an appropriation.

The bill would make other technical, nonsubstantive changes.

Ch 826 (SB 1030) Rosenthal. Social workers.

(1) Existing law requires every application for a license as a social worker to be accompanied by an application fee.

This bill would also require the application fee to be accompanied by an examination fee, as specified.

(2) Existing law specifies the grounds for the suspension or revocation of the license of a social worker by the Board of Behavioral Science Examiners

This bill would revise those grounds.

(3) Existing law authorizes the Board of Behavioral Science Examiners to conduct examinations for the licensure of social workers at those times and places that the board may determine

This bill would specifically authorize the board to make arrangements with organizations furnishing examination materials as it may deem advisable.

(4) Existing law specifies the fees for licensure as a social worker.

This bill would increase those fees, as specified

(5) 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

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

Ch. 827 (SB 1062) Dills. Polygraph examiners licenses: unprofessional conduct.

Existing law authorizes the issuance of an intern polygraph examiner license which authorizes the holder to conduct polygraph examinations under the supervision of a person holding a general license. Existing law authorizes an intern to receive a general license upon completion of certain requirements

This bill would require an intern to complete certain continuing education requirements to receive a general license. It would also provide that an intern license shall be invalidated automatically if the intern-supervisor relationship is severed and another supervisor is not obtained within 30 days.

Under existing law, the Board of Polygraph Examiners may refuse to issue or may revoke or suspend the license of any person as a polygraph examiner or intern on proof the person has, among other things, demonstrated physical or emotional inability or incompetency to carry out the duties of a polygraph examiner.

This bill would, in addition, permit the board to take this action if a polygraph examiner has engaged in unprofessional conduct that is substantially related to the qualifications, functions, or duties of a polygraph examiner.

Existing law provides that the Polygraph Examiners Act is to be repealed on January 1, 1989

This bill would extend that date to January 1, 1990, and would require the board to report to the Governor and Legislature by June 30, 1989.

Ch. 828 (SB 1216) Maddy. Crimes.

This bill would make various nonsubstantive changes in current law to clarify specific statutory references and to delete and replace obsolete, incorrect, or duplicative statutes and statutory references.

Ch. 829 (AB 746) Hayden Postsecondary education

Existing law requires the services for disabled students provided by the California Community Colleges and the California State University, and authorizes the services provided by the University of California, at a minimum, to conform to the level and the quality of services provided by the Department of Rehabilitation prior to July 1, 1981

This bill would govern state funded disabled student programs and services at public postsecondary institutions and would specify the principles that a state funded activity is required to observe. This bill would declare the intent of the Legislature that, as appropriate for each postsecondary segment, funds provided for disabled student programs and services be based on the fixed costs associated with the ongoing administration and operation of the services and programs, continuing variable costs that fluctuate with changes in the number of students or the unit load of students, and one-time variable costs associated with the purchase or replacement of equipment.

This bill would require the Board of Governors of California Community Colleges and the Trustees of the California State University to, and would authorize the Regents of the University of California to, work with the California Postsecondary Education Commission and the Department of Finance, as specified, adopt rules and regulations, maintain the present intersegmental efforts to work with the commission and other interested parties, and develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every 5 years. This bill would also require the Board of Governors of the California Community Colleges and the Trustees of the California State University to, and would authorize the Regents of the University of California to, submit a report to the Governor, the education policy committees of the Legislature, and the California Postsecondary Education Commission biennially, commencing in January 1989 This bill would require the California Postsecondary Education Commission to review these reports and submit its comments and recommendations to the Governor and the education policy committees of the Legislature.

This bill would provide that nothing in this bill shall be construed to be directing students toward a particular program or service for students with disabilities nor shall anything in this bill be used to deny any student an education

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

Ch 830 (AB 1114) Bradley Mobilehomes

Under the existing Mobilehome Residency Law, management of a mobilehome park is prohibited from showing or listing a mobilehome for sale without the owner's written authorization. Existing law also permits the management of a mobilehome park to require the right of prior approval of a purchaser of a mobilehome that will remain in the park and that the homeowner or his or her agent give notice of the sale to the management before the close of the sale It, however, prohibits the withholding of approval if the purchaser has the financial ability to pay the rent and charges of the park unless the management reasonably determines that, based upon the purchaser's prior tenancies, he or she will not comply with the rules and regulations of the park.

This bill would amend the Mobilehome Residency Law to provide that, if the approval of a purchaser of a mobilehome in the park is withheld for any reason other than the reasons specified by provisions of the Mobilehome Residency Law relating to transfer of mobilehomes, the management or owner of the park may be held liable for all damages proximately resulting therefrom

Under the existing Mobilehomes-Manufactured Housing Act of 1980, various acts are declared to be unlawful if committed by a mobilehome dealer or salesperson.

This bill would add to the unlawful acts a prohibition on the showing or listing of a mobilehome or a violation of the above-mentioned authorization and approval provisions of the Mobilehome Residency Law This would impose a state-mandated local program by creating additional misdemeanors

The California Constitution requires 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 831 (AB 1718) Areias Contractors

Existing law provides that the failure of a contractor to pay a civil penalty, or to comply with an order of correction, or an order to pay a specified sum to an injured party once an order by the Contractors' State License Board becomes final constitutes grounds for the denial of, or refusal to renew, a license

This bill would provide that the failure shall result in the automatic suspension of a license and if the license is not reinstated within one year, the license shall be revoked for a period of time to be determined by the Registrar of Contractors

This bill would require the Registrar of Contractors to notify the licensee in writing of the failure to comply with the final order and that the license shall be suspended but would allow the licensee to contest the determination of noncompliance, as specified

Existing law provides that a revoked contractors license, or the license of any member of the personnel of the revoked licensee found to have knowledge of or participated in any of the acts constituting grounds for the revocation, shall not be reinstated or reissued within a period of one year after the revocation

This bill would provide that a revoked license shall be reinstated or reissued within a minimum of one year or a maximum of 5 years depending upon certain special criteria

Ch. 832 (AB 1759) Clute Education: liberal arts degree requirements

Existing law authorizes the Commission on Teacher Credentialing to select, administer, and interpret subject matter examinations to assure that certificated personnel have a minimum level of subject matter knowledge Existing law provides that the subject matter examination authorizing multiple-subject classroom instruction may be waived for holders of approved diversified or liberal arts degrees or their equivalent. Existing law also provides that a diversified or liberal arts degree for these purposes consists of 84 semester hours, or equivalent quarter units, equally distributed among four subject areas including English, mathematics, and the physical or life sciences, social sciences, and humanities and the fine arts, as specified

This bill instead would require a diversified or liberal arts program to consist of 84 semester units, or equivalent quarter units, in courses including, but not limited to, language studies, literature, mathematics, science, social science, history, humanities,

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

the arts, physical education, and human development.

This bill would require the commission to establish standards for these programs, or equivalent programs that waive the subject matter examination for multiple subjects instruction and to adopt standards and promulgate regulations by July 1, 1988, to implement this bill.

This bill would require that, upon the adoption of these regulations, the commission begin to review and approve these programs based upon those regulations

This bill would authorize the commission to approve programs without separately reviewing them if it finds that those programs have been accredited by a nongovernmental accreditation agency that utilized criteria and procedures which represent a higher standard for these programs than the commission's standard.

This bill would provide that these changes shall not become operative if AB 2619 or SB 1677, or both, are enacted, and amend Section 44314 of the Education Code, as specified.

Ch 833 (AB 1771) Lancaster. California Insurance Guarantee Association

Existing law provides for the creation and regulation of the California Insurance Guarantee Association

This bill would, among other things, do all of the following

(1) Revise the definition of "covered claims" for such purposes to additionally exclude financial guaranty or other forms of insurance offering protection against investment risks and any claim servicing agreement or insurance policy which contains a retrospective rating or other premium adjustment agreement under which premiums are substantially equal to the losses and the loss expenses covered under the policy or any policy providing retroactive insurance of known loss This bill would also exclude from the definition of "covered claims" the claims for contributions, indemnity, or subrogation of insurers, insurance pools, or underwriting associations, any amount sought as a return of a premium under any retrospective rating plan, or any amount awarded as punitive or exemplary damages

(2) For regulatory purposes, define "affiliate," "control," and "claimant," as specified.

(3) Authorize the association to recover the amount of any covered claim paid by or on behalf of specified persons

Ch 834 (AB 1889) Elder PERS· proposed additional SPOFF formula.

The existing Public Employees' Retirement Law presently prescribes various retirement formulas, including the state peace officer/firefighter (SPOFF) formula, and various benefits, contribution rates, and minimum retirement ages for the various membership categories of the retirement system

This bill would require the Board of Administration to investigate the feasibility of developing a voluntary alternative retirement formula for state peace officer/firefighters in the event that social security coverage of them becomes mandatory, to consider specified program options, and to make a related report to the Legislature, as specified, by no later than December 1, 1988.

This bill would also appropriate $10,000 from the Public Employees' Retirement Fund to the board for expenditure in carrying out the purposes of this bill

Ch 835 (AB 2053) Hayden. Mental health.

Under existing law, prior to release of a patient from a mental health facility, the facility is required to prepare a recommended aftercare plan, as specified.

This bill would revise the contents of the plan The bill would authorize any person undergoing treatment at a Lanterman-Petris-Short Act facility or a county Short-Doyle Act facility to, upon request, obtain a written aftercare plan. Since counties share in the cost of providing mental health services under the Short-Doyle Act, this bill 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, including the creation of a State Mandates Claims

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

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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 836 (AB 2147) Jones. Community care facilities.

Existing law requires new community care facilities, other than foster family homes, small family homes, and certified family homes of foster family agencies providing 24-hour care for 6 or fewer wards or dependents of the juvenile court which apply for a license after January 1, 1985, to have one or more facility managers with prescribed duties, authorities, and specified education or experience. Existing law requires the State Department of Social Services to inspect these facilities, regardless of date of application for a license, at least once a year and requires the department to notify the agency placing any resident in a facility when the department sends a notice to the licensee of a substantiated complaint regarding a violation.

This bill would impose the requirement of having facility managers on all facilities licensed to provide 24-hour care for 6 or fewer children which apply for a license after January 1, 1985, and all other new facilities licensed for 7 or more children which apply for a license after January 1, 1988. Existing facilities licensed for 7 or more would be required to comply by January 1, 1989. This bill would delete the requirement of notifying the placement agency of substantiated complaints against a licensee

This bill would impose a state-mandated local program because the violation of these provisions 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.

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

Ch 837 (AB 2167) Costa. Regional water quality control boards· compensation

Under existing law, members of a regional water quality control board may not receive total compensation in any fiscal year in excess of $1,500

This bill would permit members of the San Francisco Bay and Central Valley regional boards to be compensated, at the discretion of the State Water Resources Control Board, for attendance at hearings of the state board on San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards during the 1987–88 and 1988–89 fiscal years, subject to specified limitations

Ch. 838 (AB 2234) Bronzan. Hazardous waste industry information

Existing law requires the State Department of Health Services to establish specialized training programs to instruct businesses on compliance with the statutes and regulations governing hazardous waste

This bill would require the department to conduct industry-specific meetings, commencing January 1, 1988, with trade association representatives of major small quantity hazardous waste generators, as specified, to inform the representatives of hazardous waste management laws and regulations and provide suggestions and assistance, as specified. The bill would require the department to determine the usefulness of these meetings.

The bill would repeal this provision on January 1, 1990, unless a later enacted statute deletes or extends that date

Ch. 839 (AB 2242) Zeltner. Healing arts

(1) Existing law requires the Board of Medical Quality Assurance, among others, to maintain a central file of all persons licensed by the board for the purpose of maintaining a record of any conviction of crimes, settlement or arbitration damage awards, complaints, or disciplinary actions relating to those persons

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

This bill would provide that reports required to be filed pursuant to those provisions shall be filed with the Respiratory Care Examining Committee.

(2) Existing law authorizes any person to perform blood gas analysis under specified conditions, including, among other things, that the analysis is performed in a clinic or general acute care hospital, as defined, and the person is instructed in the procedure for performing an analysis by a physician and surgeon, as specified

This bill would exempt a respiratory care practitioner from those 2 conditions

(3) Existing law authorizes the Division of Allied Health Professions of the Board of Medical Quality Assurance to issue, deny, suspend, and revoke certificates to practice respiratory care pursuant to the Respiratory Care Practice Act.

This bill would transfer those duties to the Respiratory Care Examining Committee and would make related changes

(4) Existing law requires a notice of each meeting of the Respiratory Care Examining Committee to be posted twice a week for 2 weeks preceding that meeting in daily papers published in specified cities.

This bill would instead provide that the notice shall be published in accordance with the Bagley-Keene Open Meeting Act.

(5) Existing law specifies the grounds for the denial, issuance with terms and conditions, suspension, or revocation of a certificate to practice respiratory care.

This bill would revise and recast those grounds, as specified.

(6) Existing law does not specifically authorize the Respiratory Care Examining Committee to recover their costs in any disciplinary proceedings

This bill would authorize the committee to request an administrative law judge to direct a person found guilty of specified charges to pay reasonable costs, as specified.

(7) Existing law requires the payment of specified fees in connection with the issuance of certificates to practice respiratory care.

This bill would require payment of those fees by cashier's check or money order where a person has previously submitted a check for fees that was returned for insufficient funds, except as specified. It also would prohibit the renewal or reinstatement of a certificate prior to payment of delinquent and current fees

Ch. 840 (AB 2254) Bronzan. Medi-Cal

Under existing law, the State Director of Health Services is required to issue Medi-Cal cards to peace officers, or persons working under the officers' supervision, for the purpose of conducting investigations of Medi-Cal fraud, upon the order of a magistrate

This bill would, instead, until January 1, 1992, authorize the director to issue Medi-Cal cards to Medi-Cal fraud investigators for the purpose of conducting investigations of Medi-Cal fraud, and would revise the procedure for issuance of the cards by removing the magistrate's approval requirement and by limiting the circumstances in which the cards may be issued.

This bill would also require, until January 1, 1992, the State Director of Health Services to issue Medi-Cal cards for Medi-Cal fraud investigations upon a complaint by any individual alleging information creating a reasonable suspicion that any person is engaging in Medi-Cal fraud.

Ch 841 (AB 2358) Lancaster Local agency investments.

Existing law specifies the institutions and securities in which local governmental agencies may invest surplus funds Existing law requires the Superintendent of Banks to act as Administrator of Local Agency Security

This bill would make a technical nonsubstantive amendment to the definition of eligible securities for the purposes of those provisions

Existing law specifies the contents of the contract between the local agency treasurer and the depository holding the agency's surplus funds.

This bill would require the contract to provide, upon notice to the treasurer from the administrator, that a treasurer may withdraw deposits in the event a depository fails to pay assessments, fines, or penalties assessed by the administrator or may withdraw authorization for the placement of pooled securities in an agent of depository if the agent fails to pay fines or penalties assessed by the administrator

---

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

Existing law permits state and national banks acting as depositories for local agency surplus funds to elect to be examined by the administrator instead of filing a report of an independent certified public accountant

This bill would require that the notice electing examination by the administrator must be filed not less than 90 rather than 180 days before the beginning of the calendar year

This bill would require the administrator to provide a report to the treasurer of a local agency with deposits in the bank upon request

Existing law grants the administrator specified powers with respect to the investment of local agency funds.

This bill would require that any fine assessed by the administrator be paid within 30 days after receipt of the assessment, would permit the administrator to impose additional penalties, and would permit the administrator to notify treasurers when fines are not so paid.

Ch. 842 (AB 2399) Katz. CERL disability misconduct-lump-sum payment

The existing County Employees Retirement Law of 1937 (CERL) authorizes, when a disability is due to the member's intemperate use of alcoholic liquor or drugs, wilful misconduct, or violation of law, and the annuity is less than $240 per year, payment to the member of his or her accumulated contributions in a lump-sum, in lieu of his or her annuity

This bill would authorize, for future members under CERL, the payment to the member of his or her accumulated contributions in a lump-sum in lieu of his or her annuity when a disability is due to or results from the conviction of the member of a felony or when the criminal activity causes or results in the disability. This new authorization would constitute a state-reimbursable state-mandated local negotiating cost 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 843 (AB 2538) Katz. Peace officer training

Existing law requires designated peace officers who are first employed after January 1, 1974, to obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within 18 months of his or her employment.

This bill would require designated peace officers, except sheriffs, elected constables, or elected marshals, who are employed after January 1, 1988, to obtain the basic certificate issued by the Commission on Peace Officer Standards and Training upon completion of probation, but in no case later than 24 months after his or her employment, in order to continue to exercise the powers of a peace officer after the expiration of the 24-month period.

This bill would provide that in cases where the probationary period established by the employing agency is 24 months, these peace officers may continue to exercise the powers of a peace officer for an additional 3-month period to allow for the processing of the certification application.

Ch. 844 (AB 2566) Farr Small business development.

(1) Under existing law, the Small Business Expansion Fund receives state money to make guarantees and restricted investments, as specified

This bill would, in addition, specifically permit this fund to be used for making loans.

(2) Existing law provides that the purpose of a regional small business development corporation loan guarantee fund is to guarantee specific loans, except as otherwise

---

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

specified.

This bill would expressly provide that the purpose of this fund includes the making of loans, as specified

(3) Under existing law, a small business development corporation may charge a borrower or financial institution a loan guarantee fee on all loans guaranteed, as specified

This bill would expressly permit the corporation to charge the above fee on loans made by the corporation

Existing law requires urban development corporations and rural development corporations to guarantee certain loans whenever possible but permits direct lending in some circumstances

This bill would authorize rural development corporations, when making a direct loan, as specified, to a farmer or farm corporation, to use trust funds, as specified. It would authorize those corporations, in their capacities as direct lenders, to sell in the secondary market the guaranteed portion of each loan so as to raise additional funds for direct lending.

The bill would also permit the Office of Small Business to loan trust funds to a rural development corporation for the purpose of lending the funds to an identified borrower, as specified The bill would provide that in the absence of fraud by the rural development corporation, the liability of the corporation to repay the loan to the Office of Small Business is limited to the repayment received by the corporation from the borrower.

The Department of Commerce, in consultation with the Small Business Development Board, would be required to issue regulations governing the direct loans on or before March 1, 1988

The bill would also state legislative intent

Ch 845 (AB 2522) Johnston. Public financing

Existing law authorizes the governing body or board of the state or local government, as defined, with respect to bonds, as defined, whose interest would be subject to federal taxation, to authorize the issuance of these bonds under various terms and conditions specified by it in the ordinance, resolution, indenture, agreement, or other instrument providing for their issuance

This bill would permit these terms and conditions to include an authorization for the proceeds of the bonds and any moneys set aside or pledged to secure payment of the bonds to be pledged to and used to service any of the contracts or other agreements entered into pursuant to other terms and conditions presently authorized.

This bill would extend the existing authorization to issue bonds under various terms and conditions specified by the governing body or board of the state or local government to bonds the interest on which will not be subject to federal income taxation, if particular conditions are met

Existing law provides that bonds issued pursuant to Chapter 1389 of the Statutes of 1986 are exempt from the constitutional limitations on usury pursuant to the Legislature's authority to provide such exemptions

This bill would extend the exemption from the usury provisions to various agreements between a user of the proceeds of or the moneys pledged to bonds and the issuer of the bonds.

This bill would specify that certain provisions of existing law and this bill authorizing the issuance of bonds are to control over inconsistent provisions of any general law or special act enacted or subsequently enacted.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 846 (AB 2523) Johnston Public financing: contracts

(1) Existing law contains authority for the state and local governments to issue bonds and enter into other types of public financing arrangements for specified purposes

This bill would authorize in a prescribed manner any state or local government, in connection with, or incidental to, the sale and issuance of bonds, or acquisition, or carrying of any investment or program of investment, to enter any contracts which the state or local government, as defined, determines to be necessary and appropriate to

---

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

place the investment in whole or in part, on the interest rate, currency, cash-flow, or other basis desired by the state or local government

The bill would authorize bonds issued by a state or local government to be payable in whole or in part, in currency other than lawful money of the United States, if the legislative body enters into a currency swap or similar agreement for payment of lawful money of the United States which covers the entire amount of the debt service obligation. It would require the issuer to notify the California Debt Advisory Commission of its intent to issue bonds payable in currency other than lawful money of the United States.

The bill would authorize a state or local government to enter into credit enhancement or liquidity agreements under terms and conditions as the state or local government determines.

The bill would provide that its provisions would prevail over any general or special statute now or hereafter enacted.

Ch. 847 (AB 2562) Condit. Public officers: conflict of interest.

Existing law prohibits various public officers and employees from being financially interested in any contract made by them in their official capacity, or by any board of which they are members. Existing law provides that an officer shall not be deemed to be interested in a contract entered into by a body or board of which the person is a member if the officer has only a remote interest in the contract, as defined, and other conditions are satisfied.

This bill would further define "remote interest" in the case of an officer of a local public agency located in a county with a population of less than 4,000,000 when other specified conditions are met, and also in the case of an elected officer with an interest in any housing assistance payment contract entered into pursuant to specified federal law under specified conditions.

This bill would incorporate additional changes in Section 1091 of the Government Code, proposed by SB 1494, to be operative only if SB 1494 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 848 (AB 175) Johnston Employment agencies.

Various provisions of existing law provide for the licensing and regulation of job listing services, as defined.

This bill would exempt from a number of those provisions a job listing service which meets specified qualifications

Existing law relating to the licensure and regulation of employment agencies provides that in certain circumstances, an agency is entitled to a fee for employment of the applicant even if the applicant accepts a job with the same employer other than that specified in the bona fide job order for employment within 180 days of the referral

This bill would provide in addition that an agency shall be entitled to a fee if the agency sends an applicant to a company with a bona fide job order, and the company subsequently sends the applicant to a different division of the company, and the applicant is hired by the division to which he or she was referred.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 849 (AB 461) Moore. Public utilities: telecommunications policy: universal telephone service.

(1) Under existing law, the regulation of the services and commodities furnished by public utilities, including telephone corporations, is vested in the Public Utilities Commission

This bill would make a declaration of the policies for telecommunications in California without substantive provisions.

(2) Under existing law, the Moore Universal Telephone Service Act, the commission administers a program of low-cost local residential telephone service for subscribers meeting certain income and other criteria. The commission establishes rates and funding methods for the furnishing of that service and, in this connection, is authorized to establish a universal service pool for the purpose of funding universal telephone service.

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

This bill would specify that the pool is composed of rate adjustments and surcharges imposed by the commission pursuant to these provisions

The bill would also make a statement of legislative findings and declarations pertaining to the furnishing of universal telephone service.

Ch. 850 (AB 941) Lancaster. Business and professions.

(1) Existing law authorizes each board within the Department of Consumer Affairs to elect a secretary.

This bill would delete that provision

(2) Existing law provides for the licensing and regulation of employment agencies pursuant to the Employment Agency Act Existing law authorizes the Bureau of Personnel Services, when issuing a license, to restrict the type of employment agency business which may be conducted to one or more of specified categories.

This bill would (a) provide that the category of "employer retained," which had been included as a category or type of employment agency business until 1987, shall again be included effective January 1, 1991, (b) add "prepaid computer employment agency," and "job listing service," to the list of categories specifying the types of employment agency businesses which may be conducted by licensees of the act, and (c) provide that on or before March 31, 1988, all persons holding a current and valid general employment agency license who operate an employment counseling service, a prepaid computer employment agency, or a job listing service be issued, upon application to the bureau, the appropriate employment agency license to operate that business. License fees would be considered paid for the extent of the term for which the person has paid current license fees.

The bill would also revise certain provisions relating to the qualifying examination as a prerequisite to licensing, as specified.

(3) Existing law provides for the Professions and Vocations Fund in the State Treasury which consists of various special funds of the boards within the Department of Consumer Affairs.

This bill would delete those provisions.

(4) Existing law provides that the employment of a physical therapist assistant by a physical therapist without the approval of the Physical Therapy Examining Committee constitutes grounds for disciplinary action against the physical therapist.

This bill would delete that provision.

(5) Existing law provides for the issuance of an interim permit and a temporary permit to practice registered nursing to a person meeting specified requirements

This bill would specify that an interim permit or temporary permit shall terminate upon notice thereof, as specified, if either are issued by mistake or if the application for permanent licensure is denied

(6) Existing law authorizes an applicant for a license as a registered nurse who fails the examination may be reexamined in the subjects in which he or she failed.

This bill would delete that provision authorizing the applicant to be reexamined in only the subjects failed.

(7) Existing regulations of the State Board of Accountancy prohibit accountants from paying a commission for the referral of clients to an accountant.

This bill would codify that regulation and a violation of that law would constitute a misdemeanor; thus, this bill would impose a state-mandated local program by adding a new crime

(8) Under existing law, it is unlawful, as of July 1, 1987, for any person to practice as a locksmith without first obtaining a permit from the Bureau of Collection and Investigative Services.

Under this bill, the above-described conduct would not be unlawful until on and after April 1, 1988.

(9) Existing law requires a repossessor who recovers personal property, not covered by a security agreement, when repossessing a vehicle to make a complete and accurate inventory of that personal property and requires the date and time the inventory is made to be indicated on the container containing the property and be signed by the repossession agency employee who recovered the personal property on behalf of the

---

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

legal owner or mortgagee.

This bill would provide instead that the container is to be signed by the employee who performs the audit.

(10) Existing law authorizes the Bureau of Home Furnishings to suspend a license issued pursuant to the Home Furnishings Act for a period not to exceed 6 months for any violation of that act and to revoke a license in lieu of a third suspension

This bill would instead provide that a license may be suspended, revoked, reprimanded, or placed on probation for a violation of that act

(11) Under existing law, the Bureau of Personnel Services Fund is continuously appropriated to that bureau in the Department of Consumer Affairs for, among other things, the regulation of employment agencies. Provisions in this bill which would expand the classes of employment agency licensure would generate new fees which would result in an increase in the moneys in that fund available for expenditure, thus the bill would constitute an appropriation.

(12) The bill would make other technical, nonsubstantive, and conforming changes

(13) The California Constitution requires 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 1036) Johnson. Disability insurance payment of wages.

Existing law excludes various services from employment as well as various types of remuneration from wages, as defined, for purposes of coverage under disability insurance laws.

This bill would expand the existing exclusions to include services which are performed as an intermittent or adjunct instructor at a postsecondary educational institution when the instructor and the employing unit have entered a specified contract This bill would also provide that services covered under an existing collective bargaining agreement shall not be excluded

Ch 852 (AB 1756) Frazee. Vehicle parking violations· processing procedures.

(1) Under existing law, the processing agency, as described, of notices of parking violations and notices of delinquent parking violations is required to follow a prescribed procedure, including, whenever a person appears before the person authorized to receive a deposit of a parking penalty and contests the notice of parking violation or notice of delinquent parking violation, the processing agency must elect to either (1) cancel the notice or (2) record identifying data concerning the person, serve a notice of delinquent parking violation if none was received by the person appearing, assign a date and time for appearance in court, file a complaint and a copy of the notice of parking violation with the court within 15 days, and give notice to the person contesting the notice of the filing and the date and time for appearance by personal service or by first-class mail, addressed to the registered owner If the notice of delinquent parking violation is prepared in the form approved by the Judicial Council, it is a written notice to appear which, if signed by the person, is a written promise to appear

This bill would require the processing agency to obtain from a person appearing to contest a notice of parking violation or a notice of delinquent parking violation a signed written promise to appear which the bill would require to be filed with the court at the time a complaint is filed

The bill would also require that the complaint be filed with the court within 15 days after a request for court hearing or failure to appear by the defendant.

The bill would, thereby, impose a state-mandated local program.

(2) Under the procedure described in (1) above, the processing agency is required to inquire of the Department of Motor Vehicles whether the registered owner has given notice of, or transferred, the vehicle if the registered owner served with a notice of delinquent parking violation has not appeared, if service was attempted by mail and undelivered, if personal service is attempted and failed, if the department fails to collect the penalties with registration after 2 renewal periods, or if proof of nonliability received

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

is unsatisfactory. The processing agency is required to make that inquiry before either filing the claim with the department for collection with registration fees or filing a complaint in court for prosecution.

This bill would delete that requirement.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 853 (AB 1835) Stirling. Peace officer training

Existing law provides for the training divisions of the Department of Corrections and the Department of the Youth Authority to each accomplish research for creating standards for selection of cadets and expansion of training curriculum Existing law also requires these divisions to create advanced correctional peace officer, supervisory, and management curricula, and to provide training in the handling of stress.

This bill would instead require the Department of Corrections—Department of the Youth Authority Joint Apprenticeship Committee, in consultation with the Presley Institute, to research, establish, and monitor standards for the selection and training of correctional peace officer apprentices and to develop standards for advanced correctional peace officer and supervisory curricula, as specified, and for the Joint Apprenticeship Committee to develop standards for training in handling stress. It would authorize the Joint Apprenticeship Committee to disapprove courses that do not meet prescribed standards

Ch 854 (AB 2095) Peace. 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 Existing law also requires the commission to disallow, for ratesetting 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.

This bill would specify that this provision does not require the commission to undertake a reasonableness review of the cost of each item of a plant project if the commission either has established a maximum reasonable cost pursuant to other designated provisions or has adopted an estimate of the reasonable costs in any proceeding. The bill would provide that the commission's power to consider the reasonableness of plant-related costs in subsequent proceedings would not be affected by the adoption of maximum costs or estimated costs

This exemption would become operative January 1, 1989 The bill would make a statement of legislative intent concerning the delayed operative date.

Ch. 855 (AB 2278) Bronzan. Unemployment insurance: disclosure to law enforcement agencies.

Existing law requires the Employment Development Department to disclose to law enforcement agencies information in its possession relating to any person who has applied for or received benefits if an arrest warrant has been issued for the person for commission of a felony

This bill would repeal that requirement and, instead, would require the department to disclose information relating to any victim, suspect, missing person, potential witness, or person for whom a felony arrest warrant has been issued, if a request has been made in the course of and as a part of an investigation by a law enforcement agency into the commission of a crime where there is a reasonable suspicion that the crime is a felony

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

and that the information would lead to relevant evidence, and would provide that the information disclosed not be limited to that pertaining only to applicants for, or recipients of, benefits.

This bill would also make it a misdemeanor to disclose or obtain information in violation of these provisions It would thus create state-mandated local programs by creating new crimes.

This bill would also specify that the amendments made by Chapter 255 of the Statutes of 1987 relating to the extension of the maximum additional time periods during which an individual who is a resident of an alcoholic recovery home or a drug-free residential facility is eligible to continue to receive disability benefits shall apply to the periods of disability commencing on or after January 1, 1988

The California Constitution requires 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. 856 (AB 2385) Bates. Care facilities.

Existing law permits a peace officer to enforce licensing provisions with respect to community care facilities by issuing citations for infractions punishable by a fine of $200 for each day of violation and makes it a misdemeanor to operate, establish, manage, conduct, or maintain a residential facility for the elderly, without first obtaining and maintaining a valid license or permit to do so

This bill would instead permit a peace officer, upon a finding by the licensing authority that a community care facility or residential care facility for the elderly is operating without a license, to enforce these provisions by issuing a citation and would require a peace officer who issues a citation to notify the licensing authority in the State Department of Social Services as appropriate The bill would make violations of the provisions to residential care facilities for the elderly infractions punishable by a fine of $200 for each day of the violation This authority and requirement 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.

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 857 (SB 167) McCorquodale Health manpower pilot projects.

Under existing law, the Office of Statewide Health Planning and Development is authorized to approve health manpower pilot projects in order to, among other things, train new and existing health care personnel in new or existing health care skills. A project may be sponsored by, among other entities, nonprofit community hospitals or clinics.

This bill would delete the requirement that community hospitals or clinics be nonprofit entities in order to qualify for sponsorship of a project

Ch. 858 (SB 270) Maddy Postsurgical care

Existing law requires the Office of Statewide Health Planning and Development to conduct a demonstration project to evaluate the accommodation of postsurgical care patients in facilities meeting the standards of skilled nursing facilities. The pilot project would operate for a period not to exceed 3 years, and in not more than 6 facilities

This bill would, instead, permit the pilot project to operate in not more than 8 facilities, with not more than 2 project sites to be distinct parts of health facilities and not more than 6 project sites to be physically freestanding from health facilities

---

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

The bill would permit the office to exempt project sites which are distinct parts of health facilities from specified standards.

Existing law requires the office, within one year after the conclusion of the demonstration project, to submit an evaluation of the project to the Legislature.

This bill would, instead, require that this evaluation be submitted not later than 6 months prior to the conclusion of the demonstration project.

Existing law permits the office to charge program applicants and participants a reasonable fee, not to exceed $15,000 per site per year, to cover its actual costs of administering the pilot program. Existing law also specifies that the costs of the office, including an advisory committee permitted to be established by the office for the project, shall not exceed the amount of the fees charged by the office.

This bill would delete the limitation on the fees of $15,000 per site per year. It would also delete the provision limiting the costs of the office and the advisory committee to the amount of the fees charged by the office.

Under existing law, the advisory committee is limited to 7 members, all of whom shall be experts in health care

This bill would increase the maximum number of advisory committee members to 8, and would require that one of the members, as determined by the director, shall have expertise in the area of pediatric surgery and recovery care.

This bill would declare that it is to take effect immediately as an urgency statute

Ch 859 (SB 411) B. Greene Candidates' statements.

Existing law provides that a candidate for nonpartisan elective local office may prepare a candidate's statement of up to 200 words, as described, to be included in the voter's pamphlet It permits the elections official to charge each candidate a pro rata share of the cost of printing and distributing the statement as a condition of including the statement in the voter's pamphlet.

This bill would permit the charging of an estimated pro rata share, and would permit the clerk, in the event of underpayment, to require the candidate to pay the balance of the cost incurred.

This bill would require a candidate who alleges indigency and inability to pay the fee for the candidate's statement, to submit a statement of financial worth, containing specified items of information If a determination of nonindigency is made, the candidate would be required to withdraw the candidate's statement or pay the requisite fee, or the printing of the statement would not be required

Ch. 860 (SB 423) Royce. PERS-increased 1959 survivor allowances: CSU employees.

A provision of the Public Employees' Retirement Law presently prescribes increased 1959 survivor allowances for specified survivors of members who are not covered by the Social Security system and who die before retirement. Its application is limited to beneficiaries of certain state members whose deaths occurred prior to January 1, 1985. Its application with respect to the deaths occurring on or after December 31, 1984, may be provided for in a State Employer-Employee Relations Act memorandum of understanding (MOU), as specified, or may be authorized by the Director of Personnel Administration for state employees excluded from, or not subject to, collective bargaining.

This bill would authorize application also to certain state members who are employees of the California State University (CSU) and whose deaths occur on or after January 1, 1988, if provided for in a Higher Education Employer-Employee Relations Act (HEERA) MOU, as specified, or authorized by the Trustees of CSU for CSU employees excluded from collective bargaining. This bill would also authorize, if agreed to in a HEERA MOU, as it pertains to represented CSU employees, both the employer and the employees to also pay all or a portion of the other's contributions therefor, in addition to their own contributions therefor.

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

Ch. 861 (SB 596) Robbins. Real estate licenses

Under existing law, a judgment creditor of a licensed real estate broker may, in specified actions, file an application with the Department of Real Estate for payment of his or her claim from the Recovery Account of the Real Estate Fund. Existing law requires that if a judgment creditor applies for payment of his or her claim from that account, a copy of a prescribed notice of the application be served on the judgment debtor, as specified, not later than 15 days after submission of the application to the department.

This bill would eliminate the 15-day deadline for service on the judgment debtor.

Ch. 862 (SB 723) Robbins. Insurance.

Existing law defines, as a form of group life insurance, policies issued on loans from financial institutions, or on purchases of property from vendors under an agreement to pay the balance of the purchase price, covering the borrowers and purchasers thereof, where, among other things, the amount insured on any one borrower or purchaser does not exceed the balance of the indebtedness to the financial institution or vendor, or $50,000, whichever is less, on any one life.

This bill would change the $50,000 limit to $100,000

Ch. 863 (SB 779) B. Greene. Wages, hours, and working conditions.

Existing law authorizes the Industrial Welfare Commission to adopt orders governing the wages, hours, or conditions of labor in the various occupations, trades, and industries in which employees are employed in this state. Existing law provides that prior to amending any existing order or adopting any new order the commission shall prepare proposed regulations and hold hearings on these proposals.

This bill would permit any interested person to petition the commission in a prescribed manner requesting the adoption, amendment, or repeal of a regulation. It would require the commission within 120 days of the receipt of a petition to set the matter for consideration and issue a written decision. This bill would permit the commission to set the matter for public hearing, as specified, or deny a petition It would provide procedures for reconsideration of a decision by the commission on a petition.

Ch. 864 (SB 816) Rosenthal. Public Utilities Commission. federal tax reform.

Existing law empowers the Public Utilities Commission to regulate public utilities, including the setting of rates.

This bill would require the commission to review and analyze the public utility rate implications of the federal Tax Reform Act of 1986 and report to the Legislature by January 15, 1988, on the degree to which public utility income tax savings should be used to lower rates.

Ch. 865 (SB 828) Lockyer Restraint of trade.

Under existing law, the court, in a civil action brought by the Attorney General as parens patriae to secure monetary relief for injury by reason of any violation of the provisions regulating combinations in restraint of trade, is required to award the state the total damage sustained, as specified, the interest on the total damages, and the costs of suit, including a reasonable attorney's fee

This bill would increase the monetary relief recoverable to 3 times the total damage sustained, plus interest and costs of suit.

This bill would state its purposes as including a declaration of existing law with respect to an award of attorney's fees and the authority of a court to grant preliminary or permanent injunctive relief, and the harmonizing of state and federal damage provisions with respect to parens patriae actions brought by the Attorney General or district attorneys

Ch 866 (SB 843) Torres. Water treatment devices.

Under existing law, it is unlawful for any person soliciting a sale, rental, lease, or order for water treatment devices to make product performance claims or product benefit claims that the device affects health or the safety of drinking water, unless the device

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

has been certified by the Department of Health Services.

This bill would provide that this provision shall become operative one year after the effective date of specified regulations adopted by the State Department of Health Services setting forth the criteria and procedures for the certification of water treatment devices that are claimed to affect the health or safety of drinking water.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 867 (SB 950) Robbins Business and industrial development corporations.

(1) Under existing provisions of the Business and Industrial Development Corporations Law, a corporation licensed thereunder is expressly subject to the Corporate Securities Law.

This bill would repeal that provision.

(2) Existing provisions of the Business and Industrial Development Corporations Law impose various requirements upon affiliates of persons licensed under or seeking licensure under that law, and an affiliate is a person controlling or controlled by another.

This bill would expand the definition of "control" to include a person with the power to vote 35% or more of any class of voting securities of another. It would define "parent" as a person that controls another It would also impose various requirements upon parents and subsidiaries

(3) Existing law imposes a fee for approval to establish, relocate, or close an office of a licensee

This bill would, instead, impose a fee for approval to relocate the head office

(4) Under existing law, a person applying or proposing to apply for this licensure may use its proposed name for specified purposes.

This bill would require documents or correspondence that include such a name prior to licensure to include the words "proposed," "in organization," "in formation," or similar designation

(5) Under existing law, the Superintendent of Banks is required, in approving an application for such a license, to make certain determinations respecting the financial standing and management abilities of the applicant's directors and officers.

This bill would increase the minimum lendable funds required of an applicant and require the superintendent, in making these findings, to give weight to prior or current successful operation of a commercial enterprise

(6) Existing law requires the board of directors of a person licensed under the Business and Industrial Development Corporations Law to consist of not less than 9 directors.

This bill would reduce the required number of directors to 5.

(7) Existing law requires each licensee to maintain at least one office in this state, and requires the prior approval of the superintendent of banking to establish, relocate, or close any office

This bill would require each licensee to maintain its head office in this state, would require prior approval to relocate the head office, and would require notification within 30 days after establishing, relocating, or closing any other office.

(8) Under existing law, licensed business and industrial development corporations may not conduct business out of state.

This bill would allow these corporations to conduct out-of-state business, as specified

(9) Existing law prohibits a licensee from providing assistance to any person other than a business firm in this state

This bill would delete the requirement that such a business firm be in this state.

(10) Existing law prohibits a licensee from providing assistance for use outside this state.

This bill would create an exception to that prohibition.

(11) Under existing law, such a licensee is prohibited from providing financing assistance to a firm that has not been denied the loan from a bank

This bill would delete that prohibition.

(12) Existing law prescribes accounting and reporting requirements for these licensees.

This bill would revise those requirements.

The bill would make related changes.

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

Ch. 868 (SB 971) Doolittle State tax liens· recording fees

Under existing law, with respect to real property, at any time after creation of a state tax lien, the agency may record in the office of the county recorder of the county in which the real property is located a notice of state tax lien

Existing law prescribes the fees to be charged by the county recorder for filing and recording various instruments. It prescribes a specified fee for recording a release of lien, encumbrance, or notice executed by the state or a local governmental agency, where the original lien, encumbrance, or notice was recorded without fee.

This bill would provide that if the notice of state tax lien which has been recorded reflects an out-of-state address as the last known address of the taxpayer, the agency must pay specified fees relating to the recording, indexing, and release of those liens. It would permit the agency recording the notice of state tax lien to collect from the taxpayer the cost of recording

This bill would appropriate $100,000 to the Franchise Tax Board in augmentation of a specified item of the Budget Act of 1987.

Ch 869 (SB 985) Maddy. Alcoholic beverages

Existing law provides for the issuance of an on-sale general alcoholic beverage license to bona fide public eating places, public premises where no food is served, and planes, ships, and airlines. The law provides for the issuance of a caterers' permit to the holder of an on-sale general license and otherwise provides for the issuance of special one day or one event on-sale licenses.

This bill would provide for the issuance of an on-sale general license to a person who does not operate a bona fide eating place or other public premise and who meets specified conditions, including, among other things, operating a catering business for not less than 5 years, catering over 500 events annually, operating or owning, for not less than 4 years, a bona fide eating place that had an on-sale license, and serving alcoholic beverages at no more than 25% of the events catered.

The bill would also permit a cabaret theater, as specified, to admit persons under the age of 21 years provided that alcoholic beverages are not sold, served, or consumed on the premises during the performances.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 870 (SB 1149) Mello. County boards of education· elections.

Existing law provides that, in those counties where the county superintendent of schools has jurisdiction over a school district situated in 2 or more counties, any qualified elector residing in the part of the school district situated in a county whose county superintendent of schools does not have jurisdiction over that school district is eligible to vote for one or more members of the county board of education of the county whose county superintendent of schools has jurisdiction over the school district, as specified. Existing law applies this entitlement to chartered counties only where made applicable by the charter of that county, or by the board of supervisors of that county acting pursuant to the charter.

This bill would specify that the entitlement to vote described above includes any county other than a charter county for which the charter specifies that the entitlement does not apply.

The California Constitution requires 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 certain charter counties to adopt election procedures to permit certain persons to vote in elections for members of the county board of education.

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 bill, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

---

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

Ch. 871 (SB 1189) Lockyer. Courts: case disposition information.

Existing law requires designated reporting agencies to make reports to the Department of Justice for each arrest made regarding the arrest, applicable identification and arrest data, and fingerprints except as otherwise provided by law or prescribed by the department Existing law requires the superior, municipal, or justice court that disposes of a case for which an arrest was required to be reported under the above-described provisions or for which fingerprints were taken and submitted by court order to assure that a disposition report of the case containing certain data elements, if the disposition is one of dismissal, is furnished to the Department of Justice within 30 days.

Existing law also requires the court to furnish a copy of the disposition report to the law enforcement agency having primary jurisdiction to investigate the offense alleged in the complaint or accusation Existing law also requires the court to similarly report its proceedings to the department whenever the court orders any action subsequent to the initial disposition of the case.

This bill would allow the Attorney General to undertake a 2-year pilot project to demonstrate methodology to improve the quantity and accuracy of disposition information relating to adult felony arrests reported to the Department of Justice The bill would authorize the Counties of Alameda, Riverside, Sacramento, Santa Cruz, and Shasta to participate in this project and it would require the district attorneys of the participating counties to review adult felony arrest case information provided by the superior, municipal, and justice courts.

This bill would also require the court of each participating county to furnish a copy of the disposition report to the district attorney of the county in which the court is located This bill would also require the court to report to the district attorney actions taken after the initial disposition of the case.

This bill would further require the district attorney of each participating county, upon receipt of the disposition report, to review the disposition of all felony cases and, within 30 days of receipt, furnish the department with a report as to any additions, amendments, or other changes that should be made to accurately reflect the dispositions in all felony arrest cases, and to furnish copies to the court and the appropriate law enforcement agency.

This pilot project would be effective only until January 1, 1990, and as of that date is repealed.

Ch. 872 (SB 1211) Morgan. General college teaching credentials: fees

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 not exceed $40, until December 31, 1987, after which date the fee may not exceed $25.

This bill would instead provide that January 1, 1989, is the date as of which the maximum fee is $25.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 873 (SB 1227) Watson. General Fund appropriation: Andrews v. State of California.

This bill would appropriate $1,397,500 to the Department of Developmental Services for the payment of a settlement in the action Andrews v. State of California, et al.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 874 (SB 1246) Morgan. Hazardous chemicals: individual sewage systems.

(1) Existing law prohibits any person from using a nonbiodegradable toxic chemical in a chemical toilet, recreational vehicle, or waste facility of a vessel.

This bill would impose a state-mandated local program by creating a new crime by prohibiting any person from using halocarbon chemicals or aromatic hydrocarbon chemicals, as defined, on and after July 1, 1988, for the purpose of cleaning or unclogging a sewage disposal system, as defined The bill would prohibit the sale of any product after that date which contains these chemicals and indicates that the product may be used for these purposes.

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

The bill would authorize the State Department of Health Services to adopt regulations regarding the sales of these products.

(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. 875 (SB 1324) Robbins. Contractors.

Existing law provides that a contractor's license shall be renewed every 2 years The law also provides for the issuance of an inactive contractors license to be renewed every 2 years on each established renewal date

This bill would provide that inactive licenses shall be valid for a period of 4 years from their due date This bill would provide that the renewal fee for an inactive license shall not exceed $75

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Contractors' License Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

Ch 876 (SB 1438) Doolittle. Safety roadside rests· vending machines

Existing law prohibits the sale of merchandise, foodstuff, or services in any vista point, as defined, or safety roadside rest unless authorized Existing state law also provides that safety roadside rests are part of the state highway right-of-way and permits the Department of Transportation to authorize the placement of vending machines in safety roadside rests unless prohibited by federal law, rules, or regulations, and requires any money received from the authorization to be transferred to the State Highway Account in the State Transportation Fund.

Under the Business Enterprises Program for the Blind, priority for vending facilities on state property is required to be given to blind persons, excepting, among other properties, safety roadside rest areas.

This bill would require the department to authorize the placement of vending machines in safety roadside rests unless prohibited by federal law, rules, or regulations The bill would require the department, pursuant to federal requirements for licensing blind operators of vending facilities in federal and other property, to give preference for the placement of vending machines in those rest areas to vendors operating under the Business Enterprises Program for the Blind, as specified, and would require the department to approve the design and construction of shelters or structures for the machines The bill would require the department to determine the costs of the maintenance, operations, design review, or other activities related to the vending machine operation and require reimbursement of those costs from revenues from the machine operations The bill would also require the money received by the department, instead of by the state, for the authorization for the placement of, or for the income from, the vending machines to be transferred to the account

Ch. 877 (SB 1546) Ellis. Locksmiths.

Existing law provides for the licensing and regulation of locksmiths by the Bureau of Collection and Investigative Services, and, on and after July 1, 1987, prohibits any person from acting as a locksmith unless licensed.

This bill would revise those provisions by (1) redefining the terms "employee," "employer," "person," and "locksmith," (2) authorizing the Director of Consumer Affairs to delegate any power or duty conferred upon him or her to the chief of the bureau, except as specified, (3) providing that the provisions apply only to locksmiths working for hire rather than to any locksmith or student locksmith and only to individuals rather than firms, companies, organizations, or corporations, (4) revising the exemptions to the licensing requirement, (5) revising the grounds for denial of a license and the manner in which that license may be denied, (6) revising the qualifications for licensure, (7) revising the fee schedule, (8) requiring a licensee to notify the bureau of any change of residence or business address within 30 days rather than within 10 days, (9) deleting

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

a requirement that a licensee have an identification card in his or her possession at all times that he or she is engaged in the work of a locksmith, (10) revising the grounds for revocation and suspension of a license and the unlawful acts that constitute a violation of those provisions, and (11) requiring that moneys derived from those provisions be deposited in the Private Investigator Fund rather than in the Collection Agency Fund.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Private Investigator Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

This bill would impose a state-mandated local program by revising existing crimes and adding 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.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 878 (AB 84) Lancaster. Transportation. state and regional transportation improvement programs

(1) Existing law requires the California Transportation Commission to adopt and submit to the Legislature and Governor each year, a 5-year state transportation improvement program for the succeeding 5 fiscal years and specifies the content of the proposed program.

Existing law requires transportation planning agencies and county transportation commissions representing urbanized areas of 50,000 or more population to prepare and annually update, and adopt by April 1, a regional transportation improvement program containing specified elements, including projects to be funded from the State Highway Account during the succeeding 5 years.

This bill would allow the commission to include a capacity-increasing project in the state transportation improvement program only if a project studies report has been completed for that project The bill would require the adoption by May 1 instead and would revise the content of those programs by authorizing the action element of those plans to include a future development list of projects for increasing state highway capacity. The bill would require the Department of Transportation to prepare a project studies report on each project on the regional future development list and to seek assistance for completion of these project studies reports.

(2) Existing law requires each transportation planning agency to prepare, and to update every 2 years, a regional transportation plan, as specified, and submit those plans to the commission and the department

This bill would require the department to carry out long-range highway system planning and, in conjunction with transportation planning agencies, to develop specific project listings for the initiation of project studies reports resulting in project candidates for inclusion in the regional transportation plans and the state transportation improvement program.

(3) This bill would incorporate additional changes proposed by AB 18, to become operative only if both this bill and AB 18 are enacted and amend Section 65080 of the Government Code

Ch. 879 (AB 434) Polanco. Controlled substances: probation.

(1) Under existing law, the court in granting probation may impose specified conditions, as the court determines are fit and proper in order to accomplish certain objectives

This bill would provide that upon conviction of any offense involving certain unlawful acts involving controlled substances, the court, when recommended by the probation officer, shall require, as a condition of probation, that the defendant shall not use or be under the influence of any controlled substance and shall submit to drug and substance abuse testing as directed by the probation officer, unless the court makes a finding that

---

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

this condition would not serve the interests of justice. The bill would require the court to order the defendant to pay a reasonable fee, not to exceed the actual cost of the testing, if the defendant is required to submit to testing and has the financial ability to pay all or part of those costs.

(2) Existing law generally provides that any person who is under the age of 18 years when he or she violates a federal, state, or local law is under the jurisdiction of the juvenile court.

This bill would provide that if a minor is found to be such a person by reason of unlawful activities related to controlled substances, the court, when recommended by the probation officer, shall require, as a condition of probation, that the minor shall not use or be under the influence of any controlled substance and shall submit to drug and substance abuse testing as directed by the probation officer, unless the court makes a finding that this condition would not serve the interests of justice. The bill would require the court to order the minor to pay a reasonable fee, not to exceed the actual cost of the testing, if the minor is required to submit to testing and has the financial ability to pay all or part of those costs. It would thus create a state-mandated local program by increasing the level of service required of local probation departments.

The bill would also specify that this bill is not intended to restrict the authority of a court to order drug and substance abuse testing in other appropriate cases, not specified in 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 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. 880 (AB 676) Leslie. Alcohol recovery facilities.

(1) Under existing law, any county may apply to the State Department of Alcohol and Drug Programs for state and federal funds for local alcohol programs The statute erroneously refers to all of these funds as block grant funds.

This bill would delete the words "block grant" and insert "alcohol" funds.

(2) Existing law prohibits a person from treating an addict for addiction to a narcotic drug except in specified types of facilities

This bill would include among these facilities a general acute care hospital and a chemical dependency recovery hospital.

(3) Under existing law, disagreements between the alcohol program administration and the advisory board on the county grant application may be reported to the board of supervisors.

This bill would change "county grant application" to alcohol plan and budget for these purposes.

(4) Under existing law, the State Department of Alcohol and Drug Programs is required to grant certification to qualifying alcoholism programs requesting it, on the basis of specified evidence

This bill would, instead, permit the certification to be based upon specified evidence.

(5) Under existing law, the State Department of Alcohol and Drug Programs licenses alcohol recovery facilities.

Under existing law, no city, county, or district can adopt local ordinances or rules relating to fire and life safety in alcoholism recovery facilities which is inconsistent with the standards adopted by the State Fire Marshal. These standards are required to be identified in consultation with specified organizations and based on certain occupancy classifications

This bill would prohibit the city, county, or district from adopting ordinances or rules relating to fire and life safety which is more restrictive than those standards adopted by the State Fire Marshal. The bill would also delete the requirement that these standards

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

be identified by the organizations and be based on certain occupancy classifications.

The bill would also specify that counties may elect to apply for funds for the purpose of providing drug program services

The bill would also make other technical and clarifying changes

Ch 881 (AB 781) Allen All-terrain vehicles.

(1) Under existing law, driving school owners, operators, and instructors are required to be licensed by the Department of Motor Vehicles

This bill would, on July 1, 1988, require applications for issuance and renewal of those licenses to be on the department's forms

The bill would also, on July 1, 1988, require all-terrain vehicle safety training organization operators and instructors to be licensed by the department. The bill would define all-terrain vehicles and related terms for purposes of the Vehicle Code The bill would, on July 1, 1988, include those safety training organizations in the provisions for administration of driving schools, would prescribe fees for the licenses and the certificates for persons completing the instruction, and would provide for related matters

The bill would also make technical changes to those existing provisions

(2) Existing law regulates the operation and use of off-highway motor vehicles, as defined, on lands, other than a highway, in the state.

This bill would establish the Off-Highway Vehicle Safety Education Committee with a specified membership, require the department to establish all-terrain vehicle safety certificates, require specified safety helmets for persons under 15½ years of age on and after January 1, 1990, and restrict the operation of all-terrain vehicles by minors on and after January 1, 1990, except under specified circumstances, thereby imposing state-mandated costs 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

(4) The bill would appropriate $47,837 from the Motor Vehicle Account in the State Transportation Fund to the department for purposes of the bill

Ch 882 (AB 864) Quackenbush California Small Business Advocate: referral system

Existing law establishes within the Business, Transportation and Housing Agency a California Small Business Advocate to advocate the causes of small business and to provide small businesses with the information they need to survive in the marketplace

This bill would authorize the California Small Business Advocate to establish a centralized interactive referral system to assist small and minority businesses in their operations It would also authorize the advocate to establish and advertise a telephone number to serve this system

Ch. 883 (AB 929) Costa Mobilehomes

Existing law specifies the reasons for which a mobilehome tenancy may be terminated by the management of a mobilehome park.

Existing law permits termination for nonpayment of rent, utility charges, or reasonable incidental charges, but requires the homeowner to have been given a 3-day notice to pay or vacate

The bill would provide for termination for those reasons if the amount has been unpaid for at least 5 days

This bill would also provide that if a homeowner has been given a 3-day notice on 3 or more occasions within the preceding 12-month period, no written 3-day notice shall be required for a subsequent nonpayment.

This bill would incorporate additional changes in Section 798.56 of the Civil Code, proposed by AB 744, to be operative only if AB 744 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last

---

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

Ch. 884 (AB 1008) Bronzan Mental health

Under existing law, each county is required to utilize available private mental health resources and facilities prior to developing new county-operated resources or facilities, under certain circumstances

This bill would impose a state-mandated local program by requiring the annual county mental health plan to include an affidavit stipulating to the county's compliance with this section.

Under the Short-Doyle Act, a county is required to have an annual county plan for mental health services The plan is funded annually through the Budget Act

This bill would authorize a county to contract with a mental health care provider for a program of mental health services for up to three years in duration, subject to availability of funding.

This bill would also require that the county and the State Department of Health Services, if applicable, review and certify or deny an application to establish a new mental health care provider within 60 days from the date of submission of an application.

Under the Short-Doyle Act, there is no requirement that a county make payment within 60 days of the required payment date to private organizations or private nonprofit organizations that are providing mental health services under contract with the county.

This bill would impose a state-mandated local program by enacting this requirement and also by imposing, with certain exceptions, an interest charge on payments received after the required payment date.

The bill would require that the private organization or private nonprofit organization awarded a contract with the county agency to supply mental health services, as specified, provide an invoice to the county within 60 days of the date the services are supplied.

Under the Short-Doyle Act, any fees paid by, or on behalf of, persons receiving services are deducted by the county from its costs of providing those services

This bill would authorize a county, by contract, to permit a provider of mental health services to negotiate a contract to permit it to retain unanticipated funds above the budgeted contract amount in the county mental health plan, as specified, provided that the unanticipated revenues are utilized for the mental health services specified in the contract.

Under existing law, the State Department of Mental Health may adopt regulations.

This bill would provide that certain standards, rules, or policies adopted during the term of an existing county Short-Doyle plan contract not apply to the negotiated rate or net amount terms of the contract, but only to contracts established after adoption of the standard, rule, or policy.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 885 (AB 1285) Jones. Clean water.

Existing law establishes the Emergency Clean Water Grant Fund, which is continuously appropriated to the State Department of Health Services without regard to fiscal years, to provide financial assistance to public water systems and to fund emergency actions by the department to ensure that safe drinking water supplies are available to all Californians served by these water systems

Existing law requires the department to submit a report containing guidelines for allocation and administration of money in the fund.

This bill would require the department to develop and revise guidelines for this purpose.[1]

This bill would require that the department expend moneys available in this fund only

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

for the purpose of taking corrective action necessary to remedy or prevent an emergency or imminent threat to public health due to the contamination or potential contamination of the public water supply

The bill would permit the department to enter into written contracts for the remedial action permitted under the bill, or oral contracts, if the amount of the contract obligation does not exceed $5,000, and, when in the judgment of the department immediate remedial action is necessary to remedy or prevent an emergency.

The bill would further permit the contracts, written or oral, to include provisions for the rental or purchase of tools or equipment, for labor and materials, and for engineering consulting necessary to accomplish the work.

The bill would make any remedial action taken, or contracted for, by the department from moneys in the Emergency Clean Water Grant Fund exempt from specified provisions of law.

Since the bill would permit moneys in a continuously appropriated fund to be used for new purposes, it would constitute an appropriation.

Ch. 886 (AB 1573) Eastin. Highway construction and improvements: local funding

Under existing law, the Department of Transportation is responsible for the planning, design, and construction of state highways

This bill would, until January 1, 1992, require the department to prepare an initial project report at its own expense for projects on the state highway system which are financed by retail transactions and use taxes, if requested by a local jurisdiction. Upon completion of the initial project report, the department would be required to respond to a request from the local jurisdiction to prepare, or cause to be prepared, all project development work through environmental clearance The bill would require the department, if it is unable to comply with the request, to furnish the necessary information and assistance to enable the local jurisdiction to proceed with the planning, design, and construction of the project. The department would have 30 days to respond to the request to prepare all project development work through environmental clearance, and would be required to furnish information and assistance, as specified, within 90 days after determining that it cannot comply with the request of the local jurisdiction. The bill would require the Legislative Analyst to report to the Legislature, on or before January 1, 1991, on the project development work undertaken by the department pursuant to these provisions

The department would, until January 1, 1992, be required to accept the completed project into the state highway system if it was completed in accordance with the department's practices, as specified The bill would make the required level of departmental oversight for review and approval of those projects the financial responsibility of the department

Ch. 887 (AB 1615) Sher Surplus funds. local agencies.

Existing law prescribes the securities and circumstances for the investment of surplus funds of local agencies

This bill would revise the definition of local agency for the purpose of these provisions to include community college districts and would specifically authorize community college districts to invest surplus funds pursuant to those provisions

The bill would make corrective and clarifying changes in provisions authorizing investment of local agency funds in defined diversified management companies.

This bill would also incorporate changes in Sections 53601 and 53635 of the Government Code proposed by SB 962 to be operative only if SB 962 and this bill are both enacted on or before January 1, 1998 and this bill is chaptered last

Ch 888 (AB 1795) M Waters Housing programs

Existing law, which will be repealed January 1, 1989, authorizes the Department of Housing and Community Development to make grants from the continuously appropriated Emergency Housing and Assistance Fund to local governments and nonprofit organizations to provide emergency or temporary housing for the homeless, as specified

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

Existing law requires the department to ensure that no more than 30% of the moneys in the fund are expended during any fiscal year for grants to cover operating expenses.

This bill would preclude prescribed participation in the grant-application review process by the applicant. The bill would make revisions in the grant award process and require fair geographical distribution of the grants. The bill would also increase the amount allowable for grants for operating expenses from 30% to 50% of the moneys in the fund during any fiscal year This increase in available funds for these grants would make an appropriation by adding a new purpose to an additional 20% of a continuous appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 889 (AB 1880) Isenberg Contra Costa Water District: director's compensation.

Under existing law, each director of a county water district is entitled to compensation in an amount not to exceed $100 per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of 6 days in any calendar month, subject to possible annual increases as prescribed.

This bill would permit each director of the Contra Costa Water District, which is organized under the County Water District Law, to receive that compensation not exceeding a total of 10 days in any calendar month.

The bill would make legislative findings and declarations

Ch 890 (AB 2078) Johnson. Probation. restitution

Under existing law, the sentencing court is required to consider whether the defendant, as a condition of probation shall make restitution to the victim or the Restitution Fund. In People v. Cervantes, 154 Cal. App 3d 353, the court interpreted this law as prohibiting a sentencing court from placing the matter of restitution within the sole discretion of a probation officer

This bill would specify that the sentencing court, in granting probation, may order the specific amount of restitution and the manner in which restitution shall be made to a victim, and it would authorize the court, as an alternative, with the consent of the defendant, to order the probation officer to set the amount of restitution and the manner in which restitution shall be made to a victim. The bill would grant the defendant the right to a hearing before the judge to dispute the determinations made by the probation officer in regard to the amount or manner in which restitution is to be made to the victim, and would provide that if the court orders restitution to be made to the Restitution Fund, the court, and not the probation officer, shall determine the amount and manner in which restitution is to be made to that fund. Thus, it would increase the level of service required of local probation departments under an existing program, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 891 (AB 2109) Lewis. Department of Housing and Community Development.

(1) Existing law requires, as to sales by dealers of new manufactured housing or mobilehomes, that both the current registration and title be deposited in escrow, but makes an exception for dealer inventory if, among other things, the current registration card has been executed to reflect a release of ownership interests.

This bill would, instead, require the current title to be executed to release ownership interests for this purpose.

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

(2) Existing law specifies procedures for repossession and sale of a mobilehome, manufactured home, or floating home, as defined, subject to registration with the Department of Housing and Community Development, after default in a contract secured thereby Those provisions also preclude deficiency judgments in certain cases.

This bill would extend these provisions to apply to truck campers subject to registration, and would make certain other changes respecting security interests in truck campers.

(3) Existing law requires registration of manufactured homes and mobilehomes subject to property tax and not installed on a foundation, upon any sale or transfer of title. Existing law permits nonresidents to keep manufactured homes or mobilehomes registered in another state, without registering in this state, for up to one year.

This bill would require reregistration of mobilehomes or manufactured homes after addition or deletion of registered or legal owners or junior lienholders The bill would make floating homes subject to the same requirements and make clarifying changes. The bill would make other changes respecting original registration with the department and transfer of registration, title, or security interests in floating homes. Because violation of these regulation requirements would be a misdemeanor, this bill would impose a state-mandated local program

(4) Under existing law, the department is charged with enforcement of standards for factory-built housing.

This bill would authorize the department to delegate this function to private organizations under prescribed conditions. This bill would also delete obsolete references in the Factory-Built Housing Law to the former Commission of Housing and Community Development.

(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

This bill would incorporate additional changes in Section 18035 of the Health and Safety Code, proposed by SB 519, to be operative only if SB 519 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

Ch. 892 (AB 1916) Harris. Charitable trust· enforcement actions: recovery 'of costs

Under the Uniform Supervision of Trustees for Charitable Purposes Act, administered by the Attorney General, a judgment in favor of the state in an action by the Attorney General to enforce specific provisions of the act, is required to provide that a person having the responsibility or duty to comply with provisions on behalf of any charitable trust or charitable corporation shall pay the reasonable expense necessarily incurred by the state in the investigation and prosecution of those actions.

This bill would state the legislative intent to require that the fiscal burden of supervising charitable trusts be shared by persons or organizations whose conduct requires enforcement action by the Attorney General.

The bill would provide that the Attorney General has broad powers to carry out the enforcement responsibilities for the trusts including specified statutory trust provisions.

The bill would authorize the Attorney General to recover all costs of an action incurred by the state to enforce trust provisions, pursuant to a court order upon a finding that the action has resulted in pecuniary benefits or corrected a breach of trust for any charitable organization or purpose, to be paid by the charitable organization and the individuals named as defendants in the action, in a manner that the court finds to be equitable and fair. The bill would prohibit a court from awarding costs exceeding ⅓ of that pecuniary benefit.

The bill would require that all costs recovered be deposited into the General Fund and used to offset the cost of future charitable trust enforcement actions by the Attorney General.

The bill would authorize a court to award a defendant charity the costs of an action,

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

upon a finding by the court that the Attorney General filed a frivolous or bad faith lawsuit

Ch. 893 (AB 1930) Bader. Air pollution. South Coast Air Quality Management District. transportation controls.

(1) Under the existing Lewis Air Quality Management Act, the South Coast Air Quality Management District is directed to prepare and adopt an air quality management plan and to adopt and implement limitations on the operation of motor vehicles within the south coast district pursuant to the district's authority to implement the State Air Resources Board's Air Pollution Emergency Plan Existing law does not contain similar provisions applicable to any other air pollution control district or air quality management district

This bill would direct the south coast district board to conduct hearings, with the cooperation of representatives of industry, transportation, and local governments in the district, to adopt and implement intermittent transportation controls for implementation by the district during air pollution emergency periods in June to October, inclusive, pursuant to the district's authority to implement the state board's plan. The bill would authorize every other district which has adopted an emergency episode plan for ozone or oxidant to conduct similar hearings and adopt similar transportation controls applicable during these periods, except that, in that portion of the Bay Area Air Quality Management District which is within the jurisdiction of the Metropolitan Transportation Commission, the commission would be required, at the request of the bay district, to undertake specified duties that relate to the conduct of hearings and the adoption and implementation of intermittent transportation controls and that relate to making recommended findings and determinations for the bay district for incorporation into the bay district's air quality management plan.

The bill would direct the south coast district board to prepare and submit a report to the Legislature on the findings from these hearings by January 1, 1989, and would direct every other district to prepare and submit a similar report within one year of holding its hearings.

By imposing these requirements on the south coast district and the commission, 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 specified reasons.

Ch. 894 (AB 2056) Speier. Estates of nonresidents generation skipping transfer tax.

Under existing law, providing for the collection and removal of assets in the estate of a nonresident decedent, among other things, the consent of the Controller is required in order to make certain transfers.

This bill would eliminate that requirement

The existing Generation Skipping Transfer Tax Law provides that the tax imposed by that law is a lien upon the property transferred in the manner prescribed in a statute dealing with the repealed gift tax statute

This bill would correct that obsolete cross-reference by making reference to state tax liens for the current state estate tax

Ch 895 (AB 2250) La Follette 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 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

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

payment of the principal of, and interest on, the bonds sold pursuant to the bond act of 1984. Existing law annually transfers $5,000,000 from the Hazardous Substance Account to the Hazardous Substance Clearing Account and appropriates that amount from the account for the payment of the principal of, and interest on, these bonds.

This bill would instead annually transfer from the Hazardous Substance Account to the Hazardous Substance Clearing Account, and appropriate from the Hazardous Substance Clearing Account, an amount of not more than $5,000,000 which is required to pay the principal of, and interest on, these bonds, to the extent that the funds in the Hazardous Substance Clearing Account and Superfund Bond Trust Fund are insufficient to pay the principal and interest

Ch. 896 (AB 2332) Johnston. Vocational education: regional occupational centers and programs.

Existing law prescribes a formula for the apportionment of funds for regional occupational centers and programs commencing in the 1986–87 fiscal year.

This bill would revise that formula commencing in the 1988–89 fiscal year.

The bill would require the State Department of Education to report to the Legislative Analyst and the Department of Finance and make findings and recommendations, as specified.

This bill would appropriate $6,500 to the State Council on Vocational Education, for replacement of office automation equipment, as specified.

Ch. 897 (SB 355) Royce. Emergency response recovery of cost

(1) Existing law relating to the recovery of the costs of an emergency response by a public agency provides that they are not intended to fully occupy the field of the recovery of these expenses, nor to preempt local regulations or otherwise limit the remedies available to a public agency for the recovery of these expenses.

This bill would state the legislative intent that the recovery of these expenses under these provisions shall supplement and shall not supplant any other provisions of law relating to the recovery of these expenses.

(2) Existing law authorizes the court in a criminal proceeding, in granting probation or suspending the imposition or execution of sentence, to consider whether the defendant shall be required, as a condition of probation, to make restitution to the victim of the offense or the Restitution Fund, as specified

This bill would also require the court to consider whether the defendant shall be required, as a condition of probation, to make restitution to a public agency for the costs of an emergency response

Ch 898 (SB 657) B Greene Medical and Chiropractic Advisory Committee.

Existing law requires the Administrative Director of the Division of Industrial Accidents within the Department of Industrial Relations to appoint an 8-member Medical and Chiropractic Advisory Committee to advise and assist the division. Seven members are required to be physicians and surgeons certificated to practice medicine in this state and one member is required to be a chiropractor licensed to practice chiropractics in this state

This bill would increase the committee membership from 8 to 10 by requiring the administrative director to appoint 2 additional physician and surgeon members who hold a doctor of osteopathic medicine degree and are certificated to practice osteopathic medicine in this state. The bill would also make a technical nonsubstantive change.

Ch 899 (SB 702) Watson. Classified employees: executive secretaries.

Existing law provides for the establishment of a merit system for the classified employees of community college 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.

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,

---

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

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.

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 2 executive secretary positions, one which reports directly to members of the governing board, and one which reports directly to the chancellor

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.

This bill would specify that these provisions shall apply only to employees hired on or after January 1, 1988

Ch. 900 (SB 832) Dills. Financial institutions employees investors

Existing law excludes specified employees from the definitions of "personal property broker," "consumer finance lender," and "broker," and "commercial finance lender" found in the Personal Property Brokers Law, the Consumer Finance Lenders Law, and Commercial Finance Lenders Law, respectively

This bill would amend those definitions to provide that an employee, when acting within the scope of his or her employment, is exempt from any other law from which his or her employer is exempt

Existing law provides for licensing of lenders under those laws, by the Commissioner of Corporations It requires the commissioner to investigate the applicant for the license and its general partners, if the applicant is a partnership, and its officers and directors, if the applicant is a corporation or association, prior to issuing a license

This bill would, in addition, require the commissioner to investigate persons owning or controlling 10% or more of the outstanding interests if the applicant is a partnership and persons owning or controlling 10% or more of the outstanding equity securities, if the applicant is a corporation, trust, or association (including an unincorporated organization) The bill would also include those persons in the provisions authorizing the commissioner to deny applications if prescribed qualifications are not met and would make conforming changes

Ch 901 (SB 887) McCorquodale Life care contracts.

(1) Existing law requires that any provider who promises to provide care for life or for more than one year in return for a transfer of consideration from, or on behalf of, a person 60 years of age or older first receive written licenses as a health facility or a residential care facility for the elderly and also obtain a certificate of authority from the department.

Existing law requires that if a provider subcontracts or assigns the responsibility to provide life care to another person or entity, in return for a periodic or prepaid payment the other person or entity shall have a certificate of authority

This bill would instead require that person or entity to have a certificate of authority except that a provider of life care may contract for the provision of a particular aspect of life care, such as medical care, with another person or entity that does not possess a certificate of authority if that other person or entity is appropriately licensed to provide that care, and that care is not paid for more than one year in advance

(2) Existing law defines "life care contract" as a contract which includes a promise to provide care to an elderly person for the duration of his or her life or for a term in excess of one year, which is conditioned upon the transfer or consideration

This bill would instead define that term to mean a contract which includes a promise

---

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

by a provider to provide care to a resident for the duration of his or her life or for a term in excess of one year, which is conditioned upon the transfer of consideration.

(3) Existing law requires that the department, before issuing the certificate of authority, require any agent or employee of the applicant, who, in the course of his or her agency or employment, has access to any substantial amount of funds, to furnish and maintain in effect during the period that the certificate of authority is in force, a surety bond in the form and penal sum as the state department finds necessary to protect all persons from loss of the funds.

This bill would also require that these conditions be met prior to the issuing of a permit to sell deposit subscriptions.

(4) Existing law requires each provider of life care to provide satisfactory evidence of the ability to pay refunds of entrance fees under various circumstances.

One of the circumstances which may occur, in combination with other circumstances, in order to require compliance with this provision is that the proposed or current life care contract form includes promises to repurchase the transferors' units in the project, after the end of the trial residence period or in the event of the death of the surviving resident or the voluntary termination by the transferor or residents.

This bill would instead provide that this circumstance applies to the repurchase of any units, stock, membership, or other interest which the transferor has in the project or facility, after the end of the trial residence period or in the event of the death of the surviving resident or the voluntary termination by the transferor or residents

(5) Existing law requires providers of life care to demonstrate satisfactory evidence of the ability to pay refunds, through the maintenance of a refund reserve, which shall be calculated based upon specified assumptions.

This bill would instead provide that this assumption shall be that the facility will no longer receive entry fee income after a period of 40 years starting with the commencement of operation

The bill would make various changes in the method used to determine the adequacy of the funding reserve, and would also include a formula for determining a provider's projected refund liability

The bill would also permit, for a new facility which has no operating history, adequate reserves to be calculated on a pro forma basis, as determined by the State Department of Social Services in conjunction with approved marketing plans.

Under existing law, the State Department of Social Services may issue a provisional certificate of authority when specified conditions have been met, including a requirement that the facility shall have demonstrated that adequate reserves exist.

This bill would eliminate the requirement that adequate reserves must exist in order for a provisional certificate of authority to be issued

(6) Existing law contains various grounds for the revocation of a certificate of authority by the State Department of Social Services

This bill would, in addition, specify that failure to comply with refund reserve requirements would be grounds for revocation

(7) Existing law contains various requirements which must be met by providers of life care who accept consideration for the future provision of life care.

Existing law, among other things, requires that deposit subscriptions be kept in an escrow account and permits the release of these funds only under specified circumstances

This bill would also specify that, except after notice of commencement of construction, and until the facility is opened for operation, the escrow agent shall pay refunds to applicants for life care who terminate an arrangement for life care, upon written notice from the provider in accordance with the approved deposit subscription agreement or life care contract, as applicable

(8) The bill would provide that if the requirements for release of escrow funds are not met within 36 months after the opening of the escrow, the department may instruct the escrow agent to refund to applicants for life care or transferors all deposit subscriptions or entrance fees held in escrow plus any interest earned in accordance with the approved deposit subscription agreements or life care contracts, as applicable. The

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

department would be permitted to lengthen the 36-month period upon a showing of good cause.

(9) Existing law requires the department to establish a fee schedule for life care providers, including an application fee and an annual provider fee

This bill would create the Life Care Provider Fee Fund, which shall consist of funds received pursuant to payment of these fees. The Life Care Provider Fee Fund would be continuously appropriated without regard to fiscal years to the department for specified purposes, including statistical and actuarial studies and policy development relating to life care providers.

Ch. 902 (SB 1133) Royce. Foster children services.

Existing law makes various legislative findings regarding school-centered programs providing foster children services.

Existing law authorizes any school district to provide educational services for foster children, as specified

Existing law requires that by January 1 of each even-numbered year each school district providing foster children services report to the Secretary of Health and Welfare, to the Superintendent of Public Instruction and to the Director of the Youth Authority all information required by any of these state officers for the purpose of a report to the Legislature and the Governor on the foster children services provided by school districts.

This bill would delete the requirement to report to the Secretary of Health and Welfare and to the Director of the Youth Authority, and would delete the requirement that the report contain information required by these state officers.

Existing law requires that each even-numbered year the Secretary of Health and Welfare report to the Legislature and Governor regarding foster children services provided by school districts.

Existing law requires that this report be prepared jointly by the Secretary of Health and Welfare, the Superintendent of Public Instruction, and the Director of the Youth Authority, and that it be prepared with the assistance of providers

This bill would delete the requirement for joint preparation of the report and would require that the Superintendent of Public Instruction, rather than the Secretary of Health and Welfare make the report.

Existing law, further, requires that the report include, but not be limited to, recommendations regarding continuation of services, effectiveness of services, and broadening the application of services.

This bill would delete the requirement that a recommendation regarding the effectiveness of the services be contained in the report, if program effectiveness is assessed in any other report covering the same time period.

This bill would require that the report contain specified information.

Ch 903 (SB 1173) Robbins. Driver's license suspensions.

Under existing law, a person's driving privilege shall not be suspended for being involved in an accident and failing to prove existence of financial responsibility at the time of the accident if the driving privilege is suspended for failure to satisfy a judgment arising out of that accident

This bill would, instead, require the termination of a suspension imposed for failing to prove existence of financial responsibility one year after it commenced if the driving privilege is suspended for failure to satisfy the judgment

Ch. 904 (SB 1229) Beverly California Housing Finance Agency

(1) Existing law requires the California Housing Finance Agency, by October 1 of each year, to report to the Legislature and Legislative Analyst specified information concerning units produced, assisted, or insured using agency funds Existing law also requires the agency to make prescribed annual fiscal year reports to the Governor, Secretary of the Business, Transportation and Housing Agency, Director of Housing and Community Development, Treasurer, Joint Legislative Budget Committee, and Legislature.

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

This bill would require the above information to be provided in the agency's annual fiscal report, rather than separately reported by October 1.

(2) Under existing law, the California Housing Finance Agency is required to make various reports, including a prescribed annual report due 90 days following the close of each fiscal year

This bill would revise the required content of the annual report and require submission of the annual report by November 1 of each year The bill would delete a requirement for submission to the Governor of an annual plan for use of the agency's revenue bond authority and would require the agency to annually determine whether at least 25% of the units financed by mortgage loans during the prior year were made available to very low income households and, if not, to report as prescribed

(3) Under existing law, the Supplementary Bond Security Account in the California Housing Finance Fund is continuously appropriated to the agency to establish supplementary reserve accounts to secure its bonds and to insure mortgages securing the bonds Existing law requires $20,000,000 advanced from the General Fund to the Supplementary Bond Security Account to be repaid upon dissolution of the account and requires interest on the advance, with specified exceptions that terminate with the 1986–87 fiscal year to be paid to the General Fund

This bill would authorize supplementary reserve accounts to be established with moneys from the Supplementary Bond Security Account for the purpose of securing taxable securities of the agency and insuring mortgages in order to protect the value of housing financed by other public agencies under the Zenovich-Moscone-Chacon Housing and Home Finance Act. By authorizing new uses of moneys in the Supplementary Bond Security Account, the bill would make an appropriation.

The bill would also credit the interest previously transferred from the account to the General Fund as repayment of the principal amount of the advance, and would delete existing law requiring interest on the advance to be paid to the General Fund. The bill would, instead, specify a schedule for repayment of the advance to the Supplementary Bond Security Account under which the amount of interest earned by $20,000,000 invested by the agency for that purpose would be annually transferred to the General Fund in reduction of the obligation to repay the advance Because this would result in the net retention of up to $20,000,000 in the Supplementary Bond Security Account that would otherwise be payable to the General Fund, and because the account is continuously appropriated, the bill would make an appropriation

(4) Under existing law, which will be repealed December 31, 1987, the agency is authorized to issue taxable securities to make mortgage loans for new construction, improvement, or rehabilitation of 1-to-4-unit residential structures This bill would extend these provisions indefinitely and would authorize issuance of the agency's taxable securities to finance these mortgage loans for multifamily rental housing Since the California Housing Finance Fund is continuously appropriated for this program, this extension would effect an appropriation therefrom

(5) Under existing law, the Treasurer is designated as trustee with respect to bonds of the agency

This bill would, instead, give the Treasurer the option of acting as trustee, as specified, and would require any alternative trustee to be or have the powers of a trust company. The bill would require the trustee to act on behalf of bondholders pursuant to the bond resolution

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 905 (SB 1311) Craven. Political Reform Act slate mailers.

Under the Political Reform Act of 1974, no person may make an expenditure for the purpose of sending a mass mailing, as defined, unless the sender is identified but the act does not otherwise regulate slate mailers.

This bill would impose various requirements on "slate mailers" and "slate mailer organizations," as defined

This bill would require every slate mailer organization to file certain information with the Secretary of State concerning the organization and to file campaign statements, as specified

---

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

This bill would require slate mailer organizations, when sending a slate mailer, to show in no less than 8-point type, specified information on the slate mailer, including the name of the sender, a notice to the voters concerning those candidates or ballot measures for which payment has been made or not made for appearance of the name of the candidate or ballot measure, and a notice to the voters that the mailing was prepared by the slate mailer organization, not an official political party organization.

This bill would further subject violators of these provisions to the penalties provided for in the Political Reform Act of 1974, thereby creating 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

Ch. 906 (SB 1188) Keene Seafood health. [10]

Existing law requires the State Department of Health Services, in cooperation with the Department of Fish and Game and a specified legislative committee, to cooperate with any federal agency monitoring marine life or ocean waters to determine the effects of radioactive waste dumping off the California coast and to purchase and test samples of seafood taken in the vicinity of the Farallon Islands radioactive waste dump site to determine the radioactivity levels of the seafood. The department is also required to establish a scientific advisory committee on ocean dumping of radioactive waste which meets at least once a year to analyze the results of the monitoring and testing and makes recommendations to the Legislature and specified agencies.

This bill would additionally require the department to take emergency action pursuant to general authority in the Sherman Food, Drug, and Cosmetic Law to prohibit the commercial sale of seafood for human consumption if, in the judgment of the Director of Health Services, samples are found to contain radioactivity that poses a threat to human health.

The bill would also require the department to conduct a shellfish sampling and monitoring program and to report on it to the Legislature on or before July 1, 1988. The bill would declare legislative findings in that regard

The bill would appropriate $30,000 to the department from the General Fund for the program and report.

Ch. 907 (AB 2394) Stirling Adobe Falls: City of San Diego.

Under existing law, the Department of Transportation is authorized to sell or exchange real property acquired by the state for highway purposes if the property is no longer necessary for those purposes

This bill would authorize the department to grant right of entry to real property near Adobe Falls to the City of San Diego for park and recreational purposes on the condition that the city maintain the property.

Ch. 908 (SB 47) Mello Tax rebate

Under the existing California Constitution, the total annual appropriations subject to limitation of the state and of each local government generally may not exceed the appropriations of that entity of government for the prior year adjusted for changes in the cost of living and population. It provides that revenues received by an entity of government in excess of that amount which is appropriated in compliance with those provisions during the fiscal year must be returned by a revision of tax rates or fee schedules within the next 2 subsequent fiscal years.

This bill would enact the Mello-Condit-McClintock Tax Rebate Act of 1987, pursuant to which there would be established under the Personal Income Tax Law for the 1986 taxable year for qualified taxpayers, as defined, a tax rebate of 15% of the tax imposed by that law, as defined, with specified minimum dollar limits and maximum dollar limits determined by the Franchise Tax Board, as specified, for purposes of returning excess revenue in the 1986–87 fiscal year

---

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

This bill would require rebate checks to be sent to qualified taxpayers on or before January 15, 1988.

This bill would impose various duties upon the Controller and the Franchise Tax Board in connection with these tax rebate provisions

This bill would terminate the tax rebate provisions on June 30, 1988.

This bill would become operative only if AB 2609 of the 1987–88 Regular Session is chaptered.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 909 (SB 306) Montoya Physicians and surgeons

Existing law prohibits health facilities and various public entities from discriminating with respect to employment, staff privileges, or the provision of professional services against a licensed physician and surgeon on the basis of whether the physician and surgeon holds an M.D or D O. degree.

This bill would also prohibit health care service plans, nonprofit hospital service plans, disability insurance policies, and self-insured employer welfare benefit plans from discriminating on that basis.

Ch. 910 (SB 755) Marks. Vessels· charter boats

(1) Under the Charter Boat Safety Act of 1983, the operator of a charter boat is required to orient each passenger concerning emergency procedures

This bill would specify additional requirements regarding this orientation. Since violation of these requirements would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(2) Under the act, a charterer, as defined, or operator, as defined, who organizes charter boat trips during specified winter months is required to inform passengers, as specified, regarding the provision of life jackets. Violation of the requirement is a misdemeanor.

This bill would impose a state-mandated local program by deleting the restrictions to those winter months and by also requiring, under criminal penalties, that operators use reasonable care in securing or causing to be secured objects which may cause injury when leaving or returning to port. The bill would also change the provision relating to conflicts with federal laws.

(3) Existing law specifies civil and criminal penalties for violations of the act.

This bill would change those penalties, as specified.

(4) Existing law prohibits and prescribes penalties for operating a motorized vessel while under the influence of intoxicating liquor, any drug, or both

This bill would also prohibit and prescribe penalties for serving as a crew member on a chartered boat while under the influence of an intoxicating liquor, any drug, or both, thus imposing a state-mandated local program by creating a new crime.

(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. 911 (SB 1001) Doolittle. Marriage.

Existing law requires that in order to be issued a marriage license a person must file a certificate issued by a physician attesting to the results of tests relating to the presence or absence of syphilis, and, in the case of a woman, whether she has laboratory evidence of immunological response to rubella, except as specified.

This bill would require the above-described physician's certificate also to state that a blood test to detect antibodies to the probable causative agent of AIDS, including any appropriate confirmatory tests for positive reactors, was offered, as specified

Ch. 912 (SB 1180) Maddy. Medi-Cal.

Under existing law, the state department is required to institute an eligibility quality control program to verify the eligibility of a statistically valid sample of persons in each

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

county who have been granted Medi-Cal eligibility, and to hold counties financially liable for payments made on behalf of ineligible persons

This bill would revise the procedure of verifying Medi-Cal eligibility and for the determination of county liability for payments made on behalf of ineligible persons under the Medi-Cal program and for penalizing counties

Ch. 913 (AB 1541) Peace. Water transfers Imperial Irrigation District.

Under existing law, the Department of Water Resources is authorized to conduct various surveys and investigations concerning water resources.

This bill would require the department to conduct a reconnaissance-level investigation of the transfer of water from the Imperial Irrigation District to the San Diego County Water Authority, including specified related matters, and to report thereon to the Legislature by January 1, 1990 The bill would direct the department to perform the investigation using its existing resources and to expend not more than $25,000 thereon.

Ch. 914 (AB 2489) Killea. Hazardous waste resource and research coordination program

Existing law requires the State Department of Health Services to establish a hazardous waste technical advisory committee, with specified members and duties, to advise the department on hazardous waste management. Existing law requires the department to provide grants to commercial projects and to research organizations to research, develop, and demonstrate hazardous waste reduction, recycling, and treatment technologies.

This bill would repeal those provisions regarding a hazardous waste technical advisory committee and would, instead, require the department to establish the Hazardous Waste Resource and Research Coordination Program, which would consist of a data base of information on hazardous waste research programs in the state, as specified, and a pool of research consultants qualified in hazardous waste management to consult with the department on approaches in research and implementing the hazardous waste control law.

The bill would exempt both types of grants for hazardous waste reduction, recycling, and treatment technologies from provisions concerning state procurement of materials, supplies, equipment, and services, including requirements for contract approval by the Department of General Services The bill would also exempt commercial project demonstration grants from provisions regulating contracts with private architects, engineering, and land surveying firms

Ch. 915 (AB 2609) Condit. Sales and use taxation: animated motion picture productions: tax rebates.

(1) The existing California Sales and Use Tax Law imposes a tax on the sale or use of tangible personal property unless the sale or use is exempted from the tax This law provides that for purposes of the law the terms "sale" and "purchase" do not include the lease of motion pictures, thereby exempting the leasing of motion pictures from taxation under the law.

This bill would expressly provide that these terms do not include the leasing of motion pictures or animated motion pictures, thereby exempting these pictures from taxation under the law. The bill would make legislative findings and declarations that the bill does not constitute a change in, but is declaratory of, the existing law. It also would state legislative intent that the State Board of Equalization in promulgating regulations affecting the imposition of the Sales and Use Tax Law on the production of animated motion pictures, determine that charges for animation, as used in the production of animated motion pictures, are not taxable.

(2) This bill would appropriate to the Controller from the Appropriations Limit Impound Account in the General Fund, which would be created by SB 47 of the 1987–88 Regular Session, an amount sufficient to pay certain tax rebates provided in SB 47

(3) This bill would also appropriate $6,900,000 from the General Fund for allocation to the Controller and the Franchise Tax Board, as specified.

(4) This bill would provide that it is to become operative only if SB 47 is chaptered.

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

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 916 (AB 2633) Agnos. Hepatitis B

Existing law requires the State Department of Education to provide information to school districts on acquired immune deficiency syndrome (AIDS) and on AIDS-related conditions.

This bill would, in addition, require the State Department of Education to provide, in conjunction with the information required to be provided on AIDS, information on Hepatitis B, and that the cost of vaccination may be covered by employee health plan benefits.

Ch. 917 (AB 93) O'Connell. Education.

Existing law requires that notice of the public hearing regarding the county school service budget shall be published at least once in a newspaper of general circulation within the county.

This bill would require that the proposed budget be available for public inspection at least 3 days prior to the hearing, and would specify that the notice shall contain the dates, times, and location or locations at which the proposed budget may be inspected by the public. By creating this expanded notice requirement, and by requiring, this 3-day availability of the budget for public inspection, this bill would impose a state-mandated local program.

Existing law requires that the county superintendent of schools and the county board of education review the recommendations of the Superintendent of Public Instruction regarding the final adopted budget at a public hearing of the county board of education.

This bill would, instead, require review of the recommendations at a regularly scheduled meeting of that board.

This bill would redefine the word "budget," with respect to financial statements of school districts, and would make related changes

Existing law authorizes a school district budget to contain an amount known as the undistributed reserve, which is available for appropriation by a ⅔ vote of the members of the governing board to cover specified expenditures.

This bill would authorize the budget to contain, instead, the designated fund balance and the unappropriated fund balance, available for appropriation by a majority vote of the members of the governing board to cover specified expenditures.

Current law limits the ability of school districts to appropriate certain unbudgeted income.

This bill would delete that limitation.

This bill would also create a school district fund separate from the general fund of the district known as the Tax Override Fund for the receipt of specified funds.

Existing law requires that at the first meeting following any change in the membership of the State Board of Education, the board shall reorganize by electing one of its members as president.

This bill would, instead, provide that the board shall, through its own bylaws, provide for its operation and organization, including, but not limited to, the election of its officers and the establishment of its committees.

Existing law requires the governing board of a school district, whenever an expenditure of more than $10,000 is involved, to secure bids pursuant to prescribed provisions whenever it is contemplated that a contract be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. The governing board is authorized by existing law to let the contract for the services to other than the lowest bidder However, existing law prohibits the governing board from making any purchase or from entering into any contract for the service without securing the written approval of the county superintendent of schools.

This bill would delete the prohibition against the making of any purchase or the entering into of any contract for the service without securing the written approval of the county superintendent of schools. It would also correct erroneous cross-references

Existing law requires that on or before August 1 of each year, the county superintend-

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

ent of schools shall, among other things, examine and make corrections to the school district tentative budget

This bill would, instead, require that the county superintendent make technical corrections

Existing law requires that, among other things, the county superintendent and the school district governing board review the budget recommendations of the county superintendent of schools at a public hearing of the governing board

This bill would, instead, require that the review be conducted at a regularly scheduled meeting of the governing board.

Under existing law, the governing board of any school district, with the consent of the county superintendent of schools, by resolution, may establish a revolving cash fund for the use of the chief accounting officer of the district Existing law limits the amount of the fund to no more than 2% of the district's estimated expenditures for the current fiscal year, not to exceed $25,000 for elementary or high school districts and $50,000 for unified school districts. In addition to establishing or maintaining a revolving cash fund under those provisions, the governing board of any school district having an average daily attendance of 20,000 or more, by resolution, may establish revolving cash funds for use by school principals and other administrative officials designated by the governing board for services or matériel and for purposes of making supplemental payments for classified employee salaries to correct errors in calculations or reporting, as specified. This bill would specify that no funds maintained in any revolving cash fund established pursuant to this provision shall be available for specified purposes The amount of these funds for each district is limited to 3% of the current year's instructional supply budget.

This bill would delete the minimum average daily attendance requirement from the latter provision, thereby authorizing the governing boards of all school districts to establish the additional revolving cash funds.

Existing law requires the superintendent to establish a statewide parent advisory council which shall participate in the planning, operation, and evaluation of the state migrant education program, as specified

Existing law requires that the council meet to review the operation of the program and other issues once every 2 months

This bill would, instead, require that the council meet a minimum of 6 times a calendar year to provide input on issues relating to the operation of the program. This bill would authorize the calling of special meetings at the discretion of the state director

Existing law requires the superintendent to sponsor an annual State Parent Advisory Council Conference. Existing law requires that within 60 days from the conclusion of the conference, the State Parent Advisory Council shall prepare and submit a report to the Legislature, the State Board of Education, the superintendent, and the Governor, regarding the status of the migrant education program.

This bill would, instead, require the report within 120 days from the conclusion of the conference

Under existing law, the governing board of each school district is required to certify, within 45 days, in writing whether or not the school district is able to meet its financial obligations for the remainder of the fiscal year.

This bill would specify that the governing board shall so certify within 45 days after the close of the period being reported.

Existing law allows the common governing board of an elementary school district and a high school district to treat both districts as a single school district, as specified Existing law also requires the Superintendent of Public Instruction to furnish to the Controller certain data relating to the financial affairs of school districts and county superintendents of schools

This bill would require the common governing board to be reported as one single educational entity for purposes of the data furnished to the Controller

Existing law prohibits the wearing of football helmets by participants in high school interscholastic football unless the equipment has been certified for use by the State Department of Education. Current law provides that in determining the suitability of equipment for certification, the department may accept the certification of specified

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

agencies.

This bill would delete the requirement for certification by the State Department of Education and, instead, would prohibit the wearing of the helmets unless the equipment has been certified by the other specified agencies

Existing law authorizes the governing board of each school district to establish a district deferred maintenance fund Funds deposited in that fund are required to be spent only for specified maintenance purposes.

This bill would authorize the governing board, notwithstanding those provisions, to transfer excess local funds deposited in that fund to any other expenditure classification in other funds of the district if specified state funds are insufficient to match the local funds deposited in the deferred maintenance fund.

Existing law contains 2 identical provisions authorizing the Superintendent of Public Instruction to authorize 30 schools in 28 school districts to continue to use the attendance accounting and reporting procedures prescribed under specified provisions of current law through the 1988–89 school year and exempts these districts from the attendance accounting and reporting procedures required under other provisions of existing law

This bill would repeal one of those provisions and would extend the authorization for the use of these attendance accounting and reporting procedures through the 1993–94 school year.

Existing law requires that, in the case of the transfer of territory from one district to another, if the transfer is opposed by the governing boards of one or more of the districts affected with an average daily attendance of 900 or less, the territory in which the election is held shall include the entire territory of the districts opposing the transfer Current law requires each district with an average daily attendance of 900 or less which is included in an election because of the objection of its governing board to the transfer to bear the additional cost of holding the election in that portion of its territory not otherwise included in the election Current law also specifies that when a majority of the votes cast in a school district in which the governing board opposes the transfer of the territory and a majority of the votes cast in the entire territory in which the election is held are in favor of the reorganization, the proposal carries Under existing law, these provisions are repealed as of January 1, 1988, unless a later enacted statute chaptered before January 1, 1988, deletes or extends that date.

This bill would delete the provision for repeal, thereby extending these provisions indefinitely and imposing a state-mandated local program

Existing law authorizes the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies or jurisdictions for a period not to exceed 2 years for specified purposes

This bill would require that a temporary assignment or loan between educational agencies or jurisdictions, or both, be extended for up to 2 additional years upon a finding by the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, and with the approval of the Executive Officer of the State Personnel Board, that the extension is necessary in order to substantially complete work on an educational improvement project The bill would provide that public and private colleges and universities shall be considered educational jurisdictions for this purpose To the extent that the extension requirement would be applicable to community colleges, it would impose a state-mandated local program

Existing law, contained in the Budget Act of 1987, requires the county superintendent of schools to reduce the total revenue limit computed pursuant to specified provisions by the amount of the decreased employer contributions to the Public Employees' Retirement System, as specified Existing law prescribes the formula for calculating that reduction

This bill would revise that calculation

Existing law provides for an emergency apportionment to the Berkeley Unified School District for its expenditure obligations for the 1985–86 fiscal year For the 1986–87 fiscal year and each fiscal year thereafter, the Controller is required to conduct an audit of the books and accounts of the district, as specified These audits are required to be continued until the Controller determines, in consultation with the Superintendent of

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

Public Instruction, that the district has not deviated from an approved financial plan and that the district is financially solvent, but in no event earlier than one year following the implementation of the plan or later than the time the emergency apportionment is repaid, including interest.

This bill would authorize the Controller to use the services of private certified public accountants currently on contract with the Berkeley Unified School District to assist in the performance of these audits, under the control and at the expense of the Controller.

This bill would incorporate additional changes in Section 42122 of the Education Code, as proposed by SB 813 to be operative only if both bills are enacted and amend Section 42122 and this bill is enacted after SB 813.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 918 (AB 129) Jones. Income taxes: bank and corporation taxes

(1) Existing law provides that it is state policy to make freely available to the state's inhabitants all state publications by distribution to libraries throughout the state, subject to the assumption by the libraries of the responsibility of keeping state publications readily accessible

This bill would require all libraries throughout the state to make state income tax forms freely available to the state's inhabitants and would thereby impose a state-mandated local program This requirement would remain operative only until July 1, 1991.

(2) Under the existing Personal Income Tax Law, nonresident individuals are required to file a return if they are required to pay any tax imposed by that law.

This bill would authorize the Franchise Tax Board to provide for the filing of a group return for electing nonresident partners by a partnership doing business in, or deriving income from, sources in this state.

(3) Under the existing Personal Income Tax Law, a penalty of $50 for each failure, not to exceed a total of $10,000 during any calendar year, is imposed for failure to file certain information statements and returns It provides that the procedures relating to the issuance of deficiency assessments do not apply to the penalty imposed on a cooperative for failure to file an information return showing the patronage dividends it has paid during the calendar year.

This bill would make the procedures relating to the issuance of deficiency assessments inapplicable with respect to the assessment on collection of any penalty imposed under those provisions.

(4) The existing Personal Income Tax Law provides that if any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to that overpayment. There is no comparable provision under the existing Bank and Corporation Tax Law.

This bill would provide for an identical provision under the Bank and Corporation Tax Law

(5) Under the existing Personal Income Tax Law, every person engaged in a trade or business must make a complete return to the Franchise Tax Board regarding payments made during the year in the course of trade or business in the form of wages, salaries, rents, annuities, dividends, interest, and other remuneration or compensation. In cases of annuities, in lieu of that return, a duplicate copy of the federal return may be filed with the Franchise Tax Board.

This bill would, instead, provide generally that, in lieu of the required information return, the Franchise Tax Board may require that a copy of the federal information

---

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

return be filed with the board.

(6) Under existing law, an employee is required to file with an employer a withholding exemption certificate before the date employment commences

This bill would provide that the Franchise Tax Board may require employers to submit copies of income tax withholding exemption certificates If the Franchise Tax Board determines that a certificate is invalid for state income tax purposes, the Franchise Tax Board would be required to notify the employer and the affected employee of its determination. It would provide that an employee who disagrees with the Franchise Tax Board's determination may request review of the determination by filing a written petition in the form and within the time prescribed by the Franchise Tax Board, and that after review, the Franchise Tax Board would be required to give written notification of its decision to both the employer and the employee

(7) The existing Bank and Corporation Tax Law authorizes the Franchise Tax Board to adopt regulations necessary and reasonable to carry out this law.

This bill would expressly require the board to adopt regulations which it deems necessary to prevent avoidance of tax liability under this law by any taxpayer which is or was a member of a group of taxpayers whose income and apportionment factors are or were required to be determined by a combined report

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 919 (AB 375) M. Waters Child care and development services

Existing law establishes an extended day care program within the State Department of Education. Under these provisions, among other things, extended day care providers are authorized to apply for funds for capital outlay for extended day care services facilities, and contracting agencies are authorized to apply for lease of state-owned relocatable facilities for extended day care services.

This bill would require that, notwithstanding any other provision, priority in funding relocatables or capital outlay grants be given to applicants or contracting agencies providing, or seeking to provide, extended child care facilities in, or in close proximity to, public housing projects, or in areas of high density of recipients of Aid to Families with Dependent Children, to service participants under the Greater Avenues for Independence Act of 1985, as specified.

By authorizing that continuously appropriated funds be used for this expanded purpose, this bill would constitute an appropriation

This bill would also make a technical change in the numbering of the provisions added by the bill if SB 998, AB 1919, or AB 2628, or any of those bills, are chaptered and become effective on or before January 1, 1988.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 920 (AB 380) 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. Existing law requires a primary prevention program to include, among other things, children's workshops, with a period for crisis counseling and reporting

This bill would delete the requirement that the children's workshops include a period

---

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

for crisis counseling and, instead, would require postworkshop sessions, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 921 (AB 454) Klehs. Property taxation: state-assessed property.

Existing property tax law requires the assessment of unitary and nonunitary property, as defined, of state assessees by the State Board of Equalization and requires the board to transmit to each county auditor an assessment roll showing the unitary assessments made by the board in the county and in the nonunitary assessments made by the board in each city and revenue district in the county. Property tax revenue attributable to certain nonunitary assessments on that roll are allocated to local entities upon the basis of the board's allocation of those assessments to these local entities. Property tax revenue attributable to unitary and operating nonunitary property, commencing with the 1988–89 fiscal year, will be allocated to local entities upon the basis of a new formula for the allocation among local entities of assessed value attributable to that property.

This bill would delete the formula for the allocation of assessed value attributable to unitary and operating nonunitary property and would impose a state-mandated local program by requiring the establishment of a single countywide tax rate area for the assignment of the assessed value of all unitary and operating nonunitary property in each county of each state assessee other than a regulated railway company. This bill would establish formulas for the computation of applicable countywide tax rates for that property and for the allocation of property tax revenues attributable to that property among taxing jurisdictions in the county. It would make these provisions inapplicable to the unitary property of regulated railway companies. It would establish a separate formula for allocating the assessed value of unitary property of regulated railway companies to tax rate areas on the basis of track mileage on unitary property It also would require the State Board of Equalization, in providing estimates of allocated values and in making the assessment roll, to allocate and enroll the unitary value of the property of regulated railway companies and certain other property of state assessees by revenue district.

This bill would impose a state-mandated local program by requiring each county to issue each state assessee other than a regulated railway company a single tax bill for all unitary and operating nonunitary property in the county.

This bill would eliminate the classification of operating nonunitary property for the purposes of the assessment and taxation of property of regulated railway companies.

Existing law requires the State Board of Equalization to determine the amount of sales tax in the 1987 tax year attributable to sales to operators of waterborne vessels and to report that amount to the Legislature on or before July 1, 1988.

This bill would delete these requirements.

The California Constitution requires 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 declare that it is to take effect immediately as an urgency statute.

Ch. 922 (AB 651) Jones. Public social services: elderly persons.

Under existing law, the State Department of Health Services is required to conduct preadmission screening programs of specified persons applying for admission to long-term health care facilities in Medi-Cal field offices.

The bill would authorize the department to delegate preadmission screening of general acute care hospital patients to discharge planning units of general acute care hospitals, and would require that the screening be conducted in accordance with criteria established by the department.

The bill would require the department to work with general acute care hospitals and association representatives to develop an acute care hospital reporting mechanism

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

which would allow an independent review of the success of the delegated program and to report to the Legislature by March 31, 1989.

The bill would require that certain contractors implement certain preadmission and postadmission screening procedures for Medi-Cal patients for whom long-term institutional care is contemplated

Existing law required the State Department of Health Services to report to the Legislature, not later than March 31, 1987, on the implementation of statewide preadmission screening.

This bill would delete that provision.

Existing law does not require preadmission screening for persons referred to certified programs for the mentally ill or developmentally disabled.

This bill would apply that exclusion to persons who are entering active treatment programs for the mentally ill or developmentally disabled

Under existing law, all Medi-Cal field offices are required to have a list of alternative services in their area, and to provide that information to health providers in their areas

This bill would, instead, require those offices to have a list of alternative community-based services in their areas and would include discharge planning units of general acute care hospitals within the group of health providers to which the field offices would be required to provide that information.

Ch. 923 (AB 708) Harris. Estates: personal representatives conservators

Existing law provides for the administration of decedents' estates and the management of the affairs of others by guardians and conservators.

This bill would generally revise the law relative to the administration of decedents' estates and the estates of missing persons presumed dead, including reporting the fact of death, survival of actions, claims against decedents, the standard of care required of personal representatives, the liability of personal representatives for the breach of a fiduciary duty, the administration of decedents' estates by joint personal representatives, the independent administration of estates, the appointment of special administrators, the powers and duties of personal representatives and court supervision of their actions, and notice of actions and proceedings involving the administration of decedents' estates.

The bill would also revise various provisions governing notice of actions and proceedings involving guardians and conservators.

The bill would incorporate provisions of the Probate Code proposed by AB 2248, contingent upon the prior enactment of AB 2248.

Ch. 924 (AB 1076) Condit Controlled substance offenses· forfeiture proceedings.

(1) Existing law provides for the forfeiture of certain property involved in controlled substance offenses, including a boat, airplane, vehicle, or other personal property that has been used to facilitate the possession or sale of certain controlled substances. These provisions contain a technical error in referring to provisions establishing the burden of proof of ownership with respect to a boat, airplane, or vehicle. These provisions also limit the forfeiture of money, negotiable instruments, securities, or other things of value intended for, or furnished in exchange for a controlled substance, to money or items seized within 5 years of the offense

This bill would correct that technical error The bill would also revise the 5-year limitation on forfeiture, and require a petition for forfeiture to be filed within a specified one-year period.

The bill would include other technical, nonsubstantive changes with respect to statutory references to certain controlled substances.

(2) Existing law authorizes the use of certain seized items by a public entity in its law enforcement program when authorized by a final judgment of forfeiture.

This bill would extend this authorization to property subject to a declaration of forfeiture, as specified, and to property subject to forfeiture but not seized.

(3) Under existing law, a peace officer making an arrest for specified controlled substance offenses may seize certain personal property he or she has probable cause to believe are subject to forfeiture.

This bill would recast that provision with regard to the items which may be seized,

---

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

and the transfer of specified items to other governmental agencies without a court order. The bill would also require notice of a seizure to be given to the Franchise Tax Board in certain instances, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law requires the Attorney General or a district attorney to file a petition of forfeiture for such property when it is determined that the property seized is subject to forfeiture under specified provisions.

This bill would expand this provision to include property subject to forfeiture under specified provisions, and make related changes.

The bill would also revise provisions governing the return of seized property.

(5) Existing law requires proof beyond a reasonable doubt that specified personal property, except cash, negotiable instruments, or other cash equivalents, meet the criteria for forfeiture.

This bill would recast provisions establishing the burden of proof for the forfeiture of personal property.

(6) Existing law provides that in matters involving the forfeiture of property used in certain controlled substances offenses, except cash, negotiable instruments, or other cash equivalents, the state or local governmental entity shall have the burden of proving beyond a reasonable doubt that the property for which forfeiture is sought meets certain criteria for forfeiture.

This bill would specify that the cash equivalents for which this exception is applicable shall be of a value of not less than $25,000

(7) Existing law requires any person who claims that certain property assigned to him or her prior to the seizure or notification of pending forfeiture of the property, to file a claim with the court and prosecuting agency pursuant to specified provisions of current law for adjudication of that property interest

This bill would provide that the claim shall be filed by any person who claims that the property was assigned to him or her prior to the seizure or notification of pending forfeiture of the property, whichever occurs first

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 925 (AB 1131) Johnson. Consumer affairs: Bureau of Home Furnishings: insulation materials.

Existing law provides for the establishment and enforcement of insulation standards by the State Energy Resources Conservation and Development Commission and the Bureau of Home Furnishings.

This bill would revise those provisions, including revising the definition of insulation material and defining insulation manufacturer

The bill would provide that insulation manufacturers having more than one plant shall hold one license for all plants under the same ownership and producing the same type of insulation and provides that the license for any insulation manufacturer shall not exceed $8,000

The bill would change the name of the Bureau of Home Furnishings to the Bureau of Home Furnishings and Thermal Insulation and would make related changes.

The bill would authorize the chief of the bureau to determine when any article not otherwise clearly defined, is insulation

The bill would authorize the bureau to require licensees to have their products inspected and tested and to pay a fee of not less than $200 nor more than $500 for each test or inspection.

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

The bill would also change the name of the act to the Home Furnishings and Thermal Insulation Act and would provide that the act shall not apply to the attaching of fiberglass insulation to metal duct work by a licensed contractor using industry-accepted adhesives and metal pins.

Existing provisions of the Business and Professions Code continuously appropriate money in the Bureau of Home Furnishings Fund. This bill would rename that fund the Bureau of Home Furnishings and Thermal Insulation Fund. Because this bill would increase the moneys in that fund, it would constitute an appropriation.

This bill would declare the intent of the Legislature that the inspection program in the bureau be reviewed and evaluated by the bureau, as specified.

A violation of the provisions relating to building insulation materials is a misdemeanor. Because this bill would create new crimes, 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 926 (AB 1554) Tanner Hazardous substances: Hazardous Substance Account: appropriations.

(1) Existing law appropriated $2,000,000 as a loan from the contingency reserve for economic uncertainties to the Hazardous Substance Account and required the loan to be repaid by January 1, 1986

This bill would repeal this provision.

(2) Existing law appropriated $21,400,000 from the contingency reserve for economic uncertainties in the General Fund for specified purposes concerning clean water, including $1,400,000 to the State Department of Health Services to design, purchase, and install water treatment systems for the Rurban Homes and Richwood Mutual Water Companies and to expand the system of the Hemlock Mutual Water Company. The department is prohibited from expending these funds until the department enters into a written agreement with the Environmental Protection Agency in which the agency agrees to reimburse the state for a specified portion of these costs.

This bill would delete this prohibition on the expenditure of these funds, thereby making an appropriation The bill would instead require the department to maximize the use of federal funds and would require the department to enter into an agreement with the Environmental Protection Agency in which the state agrees to reimburse the agency for expenditures which exceed the agency's portion of these costs.

(3) Existing law requires the department to establish a subaccount for site operation and maintenance for remedial measures affecting the San Gabriel Valley Superfund site.

This bill would require any funds remaining following the installation of the water treatment systems specified in (2) above to be deposited in this subaccount and would allow the department to expend the funds from the subaccount only to the extent federal funds are not made available pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Ch 927 (AB 1600) Cortese Development projects. fees.

(1) Existing law imposes various requirements with respect to fees exacted in connection with land development approvals by public agencies

This bill would, with certain exceptions, require specified local agencies establishing, increasing, or imposing fees (not including taxes or assessments) for specified public improvements, services, or community amenities to be collected from applicants for approval of development projects to make specified findings, segregate the fees in special accounts, reexamine the necessity for the unexpended balance of the fee, as specified, every 5 years, and refund to the then current owner or owners of the development project any unexpended portion of the fee for which need cannot be demonstrated at the time of this review, together with any accrued interest. The bill would permit

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

various methods of refund, and would permit a local agency to utilize moneys otherwise subject to refund for other purposes serving the development project for which the fee was paid if the cost of making the refund exceeds its amount, as determined at a noticed public hearing The above requirements would impose a state-mandated local program. Local agencies imposing these fees for defined facilities or improvements would be authorized to adopt and annually review a specified capital facilities plan The bill would become operative January 1, 1989

(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 declare that there are no costs in this act requiring reimbursement, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 928 (AB 1681) Hill County medical facilities

The county board of supervisors is authorized to provide for transporting the needy sick to and from hospitals.

This bill would require that a county hospital requesting an ambulance to transfer a mental health patient who is unstable and has a history of being assaultive to another facility, inform the ambulance personnel of the instability and potential assaultiveness of the patient.

The California Constitution requires 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 929 (AB 1737) Johnson. Unemployment compensation

(1) Under existing law, an individual is disqualified from receiving unemployment compensation benefits for a specified period of time if the Department of Employment Development determines that the individual made a false statement or representation in order to obtain these benefits Existing law further provides that the specified duration of disqualification does not apply to an individual prosecuted for a violation of these provisions.

This bill would provide instead that the specified duration of disqualification not apply to an individual convicted of a violation.

(2) Existing law requires for purposes of determining eligibility for unemployment compensation benefits, that payments to an individual for holiday pay which was earned but not paid for services performed prior to termination of employment, or commencement of unemployment caused by disability, not be construed as wages Existing law requires that payments to an individual for holiday pay for any holiday occurring in a week during which the individual was unemployed be deemed wages received for the week in which the individual returns to work if holiday pay is not paid until the individual returns to work.

This bill would clarify these provisions by basing the determination of whether or not holiday pay should be construed as wages upon specified factors such as when the holiday pay is paid to the individual and whether the individual's layoff period is definite or indefinite This bill would also delete the exemption on and after January 1, 1989, of officers and employees of local government agencies and school districts from the holiday pay provision.

(3) Existing law requires that, in summary judgment proceedings initiated to recover overpayments of unemployment compensation benefits, the overpayment certificate be filed with the clerk of the proper court in the county from which the overpayment of benefits was paid.

This bill would authorize the overpayment certificate to be filed, in the alternative, with the clerk of the proper court in the county in which the claimant resides.

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

(4) This bill would also specify that the amendments made by Chapter 255 of the Statutes of 1987 relating to the extension of the maximum additional time periods during which an individual who is a resident of an alcoholic recovery home or a drug-free residential facility is eligible to continue to receive disability benefits shall apply to the periods of disability commencing on or after January 1, 1988.

Ch. 930 (AB 1742) Bradley. Contractors.

(1) Existing law provides that any person who uses an invalid contractor's license number with intent to defraud shall be punished, as specified.

This bill would expressly provide that the above law applies to all persons, licensed or unlicensed

(2) Existing law requires contractors involved in a joint venture to obtain a joint venturer's license prior to submitting an offer or bid on a project.

This bill would permit contractors in a joint venture to submit an offer or bid on a project without first obtaining a joint venture license as long as each of the contractors involved in the joint venture holds a current active license in good standing and the joint venture qualifies for a joint venturer's license prior to entering into any contract.

It would provide that a specified penalty may be imposed upon contractors who fail to obtain that license after submitting a bid.

(3) Under existing law, the Contractors' State License Board delivers a booklet containing information relative to the handling and disposal of asbestos, together with an open book examination concerning asbestos-related work All applicants for a contractor's license are required to complete and sign the open book examination and submit it along with the application form.

This bill would, instead, require the examination to be sent to all contractors at renewal and to all applicants with the request for a bond and fee and returned with the required renewal or bond and fee

(4) Under existing law, if the responsible managing officer or employee disassociates from the licensed entity, the licensee or the qualifier is required to notify the Registrar of Contractors, as specified.

This bill would, among other things, provide that the failure of the licensee or qualifier to notify the registrar of the disassociation, as specified, is grounds for disciplinary action.

(5) Under existing law, the Registrar of Contractors may issue a citation in lieu of proceeding in a specified manner when the registrar has probable cause to believe that a licensee or applicant for a contractor's license has violated provisions of the Contractors' State License Law which are grounds for denial, revocation, or suspension of the person's license.

This bill would extend the above provision to allow the registrar to issue a citation when there is probable cause to believe that a person has committed any acts or omissions which are grounds for denial, revocation, or suspension of the person's license

(6) Existing law permits a license that is suspended to be renewed as active.

This bill would prohibit a suspended license from being renewed as active and would require the suspended license to be renewed as inactive.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 931 (AB 1761) Johnson. Cancer information.

Existing law requires the Director of Health Services to establish a statewide system for the collection of information determining the incidence of cancer. In fulfilling this duty, the State Department of Health Services is permitted to designate any demographic parts of the state as regional cancer incidence reporting areas.

Existing law requires 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 its authorized representative.

This bill would require that the report be made in a format specified by the department

The bill would further provide that if the report is not made in the format specified by the department, the department's authorized representative may access the information from the hospital or other facility, and report it in the prescribed format. In these

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

cases, the hospital or other facility would be required to reimburse the department or its authorized representative for the costs of accessing and reporting this information within 60 days from the date payment is demanded.

The bill would permit the department, or its authorized representative, to impose a late fee, if payment is not made when required, and to obtain the costs incurred for a successful legal action brought to secure payment

Existing law also requires any physician caring for cancer patients to report each cancer case to the department or its authorized representative, except for those cases directly referred to a treatment facility or those previously admitted to a treatment facility for diagnosis or treatment of that instance of cancer.

This bill would, instead, impose this reporting requirement upon any physician, dentist, podiatrist, or other health care practitioner, diagnosing, or providing treatment for cancer patients.

Existing law requires that all physicians, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals or agencies providing diagnostic or treatment services to patients with cancer 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. Willful failure to grant access to those records is punishable by a fine of up to $500 each day access is refused.

This bill would require that fines collected under this authority be deposited in the General Fund.

Ch 932 (AB 1897) Hauser. Solid waste: disposal sites: air monitoring and water quality assessment tests.

(1) Existing law requires the owner of a solid waste disposal site, as defined, to submit a solid waste air quality assessment test report, as specified, to the air pollution control district or air quality management district on or before July 1, 1987, and requires the owner of an inactive solid waste disposal site, except as specified, to submit a screening questionnaire to the district on or before November 1, 1986, and to submit specified information required by the district based upon an evaluation of the questionnaire by the district.

This bill would, instead, require the operator, as defined, of a solid waste disposal site to submit the solid waste air quality assessment test report and the information required by the district.

(2) Under existing law, the State Water Resources Control Board is required to rank all solid waste disposal sites based upon the threat which the sites pose to water quality. The operators of the first 150 sites ranked on the list are required to submit a solid waste water quality assessment test to the appropriate regional water quality control board by July 1, 1987. On or before July 1 of each succeeding year, the operators of the next 150 sites are required to submit those tests to the regional board.

This bill would define the term "operator" for the above purposes, and would permit an operator, except an operator of specified solid waste disposal sites, to submit a solid waste assessment questionnaire, as developed by the state board, to the appropriate regional water quality control board at least 24 months prior to the due date for the solid waste water quality assessment test as established above. The bill would require the regional board to determine whether the site has discharged hazardous substances which will impact the beneficial uses of water and to notify the operator, as prescribed, as to whether the operator is required to prepare a solid waste water quality assessment test or a portion thereof. The bill would permit a regional board to reevaluate the status of any ranked or previously exempted solid waste disposal site in accordance with prescribed requirements and would specify related matters.

(3) The bill would appropriate $49,000 to the board for the above purposes.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 933 (AB 2036) La Follette. Hazardous substances: removal and remedial actions.

Under existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of

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

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").

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 lists of sites for remedial action, and a remedial action plan is required to be prepared or approved for each listed site The bond act requires that the site be listed and a final remedial action plan be prepared for a removal or remedial action paid for from the fund The department is required to notify the responsible party for a site at least 30 days before initiating a removal or remedial action, except as specified, and is prohibited from expending funds from the fund or the account unless the department issues certain orders or enters into an agreement, except as specified, including if the State Director of Health Services determines there may be an imminent and substantial endangerment to the public health or welfare or the environment

This bill would revise the determination of the director for the expenditure of these funds to whether there is an imminent and substantial endangerment. The bill would also authorize the department to expend funds from the Hazardous Substance Cleanup Fund or the account, upon appropriation by the Legislature, for a hazardous substance release site to verify that an uncontrolled release of hazardous substances has occurred at the site

The bill would exempt a removal action at a hazardous substance release site from remedial action plan requirements if the department determines that the action meets specified requirements, unless the removal action is paid from the fund.

(3) The bill would incorporate additional changes to Section 25356.1 of the Health and Safety Code proposed by AB 1191 to be operative only if AB 1191 and this bill are both enacted and become effective on January 1, 1988, and this bill is chaptered last

Ch 934 (AB 2089) Leslie. Osteopathic physicians and surgeons license renewal. physician's assistants.

Existing law provides that the license of an osteopathic physician and surgeon expires on the lst day of January of each year.

This bill would provide that the license shall expire at 12 midnight on the last day of the birth month of the licensee. The bill would provide for the establishment of a birth date renewal program by the Board of Osteopathic Examiners and would revise the method of renewal of those licenses.

Existing law prescribes the fees for approval of an osteopathic physician and surgeon to supervise a physician's assistant

This bill would increase those fees and would add a delinquency fee and a duplicate approval fee.

Existing provisions of law continuously appropriate the moneys in the Board of Osteopathic Examiners Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 935 (AB 2179) Polanco. Redevelopment: disposal of property acquired with tax increment.

Existing law requires the legislative body of a city or county to give prior approval for any sale or lease by its redevelopment agency of property acquired with tax-increment moneys. Existing law requires a noticed public hearing and report in connection with such a proposal.

This bill would impose a state-mandated local program by authorizing the legislative body of the community to require the redevelopment agency to, instead, report, as specified, the sale or lease of defined small housing projects to the legislative body or the city or county within 30 days of the end of the agency's fiscal year.

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

The California Constitution requires 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. 936 (AB 2204) Chacon Political Reform Act: income: securities: commodities futures.

Existing law defines the term "income" for purposes of the Political Reform Act of 1974.

This bill would exclude from the definition of income dividends, interest, or any other return on a commodity future registered with the Commodity Futures Trading Commission of the United States government.

This bill would include in the definition of income the proceeds of sale of securities registered with the Securities and Exchange Commission and commodities futures registered with the Commodity Futures Trading Commission, except the proceeds from the sale of securities or commodities futures if the filer sells the securities on a stock or commodity exchange and does not know or have reason to know the identity of the purchaser.

Under the Political Reform Act of 1974, lobbying firms and lobbyist employers are required to file a notice of termination with the Secretary of State within 20 days of ceasing all activities which required registration.

This bill would require this notice of termination within 20 days only if the activities which required the registration cease during a regular session of the Legislature.

This bill would further provide that a notice of termination shall not be required if the activities which required certification cease at the close of a regular session.

Under the Political Reform Act, it is unlawful for a lobbyist or lobbying firm to make gifts or participate in making gifts, as specified, which aggregate more than $10 in a calendar month. This prohibition applies for a period of 6 months following the filing of a notice of termination

This bill would provide that the prohibition applies for the earlier of 6 months after filing a notice of termination or 6 months after the close of a regular session at the close of which the lobbyist or lobbying firm ceased all activity which required certification or registration.

Ch. 937 (AB 2367) Joint Committee on Fisheries and Aquaculture. Fisheries restoration.

(1) Under existing law, the money in the Fisheries Restoration Account in the Fish and Game Preservation Fund is appropriated to the Department of Fish and Game for the 1985–86, 1986–87, and 1987–88 fiscal years for specified projects relating to restoration and maintenance of fishery resources and their habitat.

This bill would authorize the department to advance partial funding, of up to 50% of the amount contracted for, to project contractors if the Director of Fish and Game makes specified findings.

(2) Existing law declares that the Legislature shall enact a permanent system to regulate entry into the commercial salmon fishery on or before January 1, 1988.

This bill would, instead, declare that that enactment be made on or before January 1, 1989.

Ch 938 (AB 2432) O'Connell. CERL safety members· Santa Barbara child support investigators and administrators: option.

The County Employees Retirement Law of 1937 (CERL) provides generally, for safety members, as defined, higher benefit formulas and higher employer contribution rates than those provided for general members A general provision of the CERL

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

provides that investigators in the office of the district attorney are eligible for safety membership benefits. However, another limited provision of the CERL provides that Santa Barbara County child support investigators and administrators are not eligible therefor.

This bill would authorize Santa Barbara County to elect to make its child support investigators and administrators eligible for safety membership benefits.

This new authorization would impose on Santa Barbara County state-reimbursable state-mandated local negotiating 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. 939 (AB 2504) Killea. Sentencing

Existing law provides that when a person is convicted of 2 or more felonies and a consecutive term of imprisonment is imposed pursuant to specified provisions of current law, the aggregate term of imprisonment for these convictions shall include the sum of the principal term, the subordinate term, and any additional sentence imposed pursuant to specified provisions of current law. For these purposes the principal term includes any enhancement imposed pursuant to specified provisions of current law.

This bill would require the calculation of the aggregate term to include the additional term required under designated provisions of current law for prior controlled substances convictions and any sentence enhancement imposed for persons convicted of certain serious felonies with prior convictions for other serious felonies, and would require that the principal term include sentence enhancements imposed for designated controlled substances offenses.

Existing law prohibits the term of imprisonment described above from exceeding twice the number of years imposed by the trial court as the base term unless, among other things, an enhancement is imposed pursuant to specified provisions of current law.

This bill would include sentence enhancements imposed for persons convicted of certain serious felonies with prior convictions for other serious felonies and sentence enhancements for designated controlled substances offenses among the enhancements exempted from these provisions

This bill would incorporate additional changes in Section 1170.1 of the Penal Code proposed by AB 1152, AB 1578, and AB 1559, contingent on the prior enactment of one or more of those bills

Ch 940 (AB 2547) Harris Adoption.

Existing law makes it a misdemeanor for any person other than a parent, or an organization holding a license or permit to place children for adoption, to place a child for adoption.

This bill would define "place for adoption," as applicable to adoptions in which neither the State Department of Social Services nor a licensed adoption agency is a party (a so-called "independent adoption"), to mean selection by the parents of the child of the prospective adoptive parents, as defined, based on personal knowledge, as specified.

It also would make related and technical changes.

Ch. 941 (AB 2557) Harris Secondhand dealers.

Under existing law, secondhand dealers, including pawnbrokers, are required to report certain transactions involving tangible personal property on forms approved or provided at actual cost by the Department of Justice. Existing law provides that the report include prescribed information, including a requirement that the identification of a seller or pledgor of property be verified by a driver's license issued by any state or an identification card issued by any branch of the armed forces of the United States.

This bill would instead provide for verification by a driver's license issued by any state or Canada or an identification card issued by the United States rather than any branch

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

of the armed forces

Existing law prohibits any city, county, or city and county or any other state agency from adopting ordinances relating to the identification or reporting requirements for the acquisition of tangible personal property, in the ordinary course of business by pawnbrokers and secondhand dealers, except as specified.

This bill would include within that prohibition the holding of tangible personal property, as specified. The bill would make related changes with respect to conflicts with local laws

Existing law, with respect to stolen property in the possession of a pawnbroker, provides that a law enforcement agency which has placed a hold on that property shall notify the person who reported the stolen property of the name and address of the pawnbroker or secondhand dealer holding the property authorizing the release of the property and advising that person that the law enforcement agency that placed the property on hold shall release the hold after 30 days have elapsed following the delivery of the notice to the person who reported the property stolen

This bill would instead require the law enforcement agency that placed the property on hold to release the hold after 60 days have elapsed.

Existing law, with respect to requirements of a loan contract, requires a pawnbroker to retain in his or her possession after the date on which a loan became due and payable, clothing and furs pledged for a period of 4 months and every other article pledged for a period of 6 months.

This bill would instead require the pawnbroker to retain every article pledged to him or her for a period of 4 months.

A violation of specified provisions of the bill would constitute a new crime, thus the bill 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 942 (AB 2590) Eaves Expulsions· enrollment in another school district.

Existing law requires the principal or superintendent of schools to recommend a pupil's expulsion for specified acts, unless the principal or superintendent finds, and reports to the governing board of the school district, in writing, that expulsion is inappropriate, due to the particular circumstances.

This bill would permit the governing board of a school district to deny enrollment to an individual who has been expelled from another school district pursuant to this provision for the remainder of the expulsion period, after it has determined through a hearing that the individual poses a potential danger to either the pupils or employees of the school district. This bill would impose a state-mandated local program by requiring the governing board of a school district to permit an individual expelled from another school district for specified acts to enroll in a school in the school district during the term of the expulsion if the individual is determined through a hearing not to pose a potential danger to either the pupils or employees of the school district and either has established legal residence in the school district or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts.

This bill would require the governing board of a school district, after having received a request from an individual who has been expelled from another school district for specified acts, for enrollment in a school maintained by the school district, to hold a hearing to determine whether that individual poses a potential danger either to the pupils or employees of the school district, and would thereby impose a state-mandated local program. This bill would require the hearing and notice to be conducted according to the rules and regulations governing procedures for the expulsion of pupils, as specified This bill would require a school district receiving a request for information from another school district regarding the expulsion of an applicant for enrollment to respond to the request within 5 working days

The California Constitution requires the state to reimburse local agencies and school

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

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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 943 (SB 114) L. Greene. Private activity bonds. California Debt Limit Allocation Committee.

(1) Under an existing Governor's proclamation, executed on September 30, 1986, there is a California Debt Limit Allocation Committee which allocates to authorized state or local agency applicants the volume ceiling for private activity bonds, as defined, which can be issued in California, in accordance with the federal Tax Reform Act of 1986 Under existing law, effective January 1, 1987, a California Debt Limit Allocation Committee is established in codified state law.

This bill would repeal the existing codified law and establish a California Debt Limit Allocation Committee with similar provisions and duties as those provided in the Governor's proclamation

This bill would designate the Treasurer as the state official to certify that an issue of private activity bonds meets certain requirements of federal law, and would authorize the Treasurer to take any and all actions as may be necessary or appropriate in connection therewith.

(2) Under the existing State General Obligation Bond Law, the annual rate or rates of interest which the bonds to be issued shall bear is an amount not to exceed 11% effective until July 1, 1988, and thereafter not in excess of 9%.

This bill would provide, instead, that the annual rate or rates of interest which the bonds to be issued shall bear is an amount not to exceed 11%.

Existing law applicable to local agency bonds provides that, any provision of law specifying the maximum rate on bonds to the contrary notwithstanding, bonds may bear interest at a coupon rate or rates as determined by the legislative body, but not to exceed 12% per year payable as permitted by law, unless some higher rate is permitted by law. Existing law also provides that the above-described provisions do not affect the power of a local agency to sell bonds at a discount below par if permitted by law, but provides any provision of law permitting bonds to be sold at discount but specifying a maximum interest yield on bonds sold at a discount to the contrary notwithstanding, the bonds may be sold at a price yielding to the purchaser an effective interest rate not to exceed 12% per year. Existing law provides any provision of law requiring an election to the contrary notwithstanding, the legislative body without a vote of the electors, may issue bonds of the local agency, zone, or improvement district if certain requirements are satisfied, including they bear interest at a rate or rates not to exceed 12% per year Existing law provides that all of the provisions described in this paragraph remain in effect only until January 1, 1988. Existing law, operative January 1, 1988, revises the 12% rates described in this paragraph to 10%.

This bill would repeal the provisions operative January 1, 1988, and delete the January 1, 1988, repealer of the 12% provisions thereby continuing the 12% provisions indefinitely

(3) Existing law authorizes a city, county, or city and county to apply for an allocation of qualified mortgage bonds with the Mortgage Bond Allocation Committee Existing law, among other things, requires a local agency as a condition of applying for an allocation to deposit in an interest-bearing account an amount, or contain certification that there is a letter of credit in an amount, equal to ½ of 1% of the dollar amount of bonds being requested for allocation Existing law also, with certain exceptions, provides for a forfeit of the deposit in an amount equal to ½ of 1% of the dollar amount of bonds allocated to the local agency but not sold within a specified time period.

This bill would revise both of the ½ of 1% amounts to up to 1%, as determined by the committee.

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

(4) This bill would add certain provisions and make certain provisions operative, contingent upon the chaptering of SB 113 of the 1987–88 Regular Session

Ch 944 (SB 214) Mello Income taxes contributions Alzheimer's disease research.

Under the existing Personal Income Tax Law, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of the California Election Campaign Fund, the California Fund for Senior Citizens, the Rare and Endangered Species Preservation Program, the State Children's Trust Fund for the Prevention of Child Abuse, and the United States Olympic Committee Fund

This bill would additionally allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Alzheimer's Disease and Related Disorders Research Fund, which would be created by this bill. It would require money in that fund, upon appropriation by the Legislature, to be allocated to the appropriate state department as established by the Secretary of the Health and Welfare Agency in consultation with the Department of Aging to make contracts or grants to conduct research relating to the care, treatment, and cure of Alzheimer's disease

The bill would require the Franchise Tax Board to revise the form of tax returns to provide for the designation and would allow, upon appropriation by the Legislature, the Franchise Tax Board and the Controller to receive a portion of the funds designated to cover costs incurred in collecting and administering the funds

Ch. 945 (AB 1865) Filante Income taxes· contributions Alzheimer's disease research.

Under the existing Personal Income Tax Law, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of the California Election Campaign Fund, the California Fund for Senior Citizens, the Rare and Endangered Species Preservation Program, the State Children's Trust Fund for the Prevention of Child Abuse, and the United States Olympic Committee Fund

This bill would additionally allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Alzheimer's Disease and Related Disorders Research Fund, which would be created by this bill It would require money in that fund, upon appropriation by the Legislature, to be allocated to the appropriate state department as established by the Secretary of the Health and Welfare Agency in consultation with the Department of Aging to make contracts or grants to conduct research relating to the care, treatment, and cure of Alzheimer's disease

The bill would require the Franchise Tax Board to revise the form of tax returns to provide for the designation and would allow, upon appropriation by the Legislature, the Franchise Tax Board to receive a portion of the funds designated to cover costs incurred in collecting and administering the funds

This bill would express the Legislature's intent that contributions made to the California Alzheimer's Disease and Related Disorders Research Fund not be used to offset or otherwise reduce the current or subsequent years' budget appropriations earmarked for Alzheimer's disease research

The bill would remain in effect until January 1, 1992, and as of that date, would be repealed

Ch. 946 (SB 264) Royce Military leave.

Under existing law, both the State Personnel Board and the Department of Personnel Administration have responsibilities for determining leave for military service, rights and benefits accrued during that service, and reinstatement after that service, for civil service employees

This bill would prescribe the respective responsibilities of the board and the department.

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

Ch. 947 (SB 273) Mello. Alzheimer's day care-resource centers.

Existing law provides for the Alzheimer's Day Care-Resource Center Pilot Project Act.

This bill would instead rename this law, the Alzheimer's Day Care-Resource Centers Act

Under this act, the Department of Aging is to administer a grants-in-aid program for 3 fiscal years, commencing with the 1985–86 fiscal year, for the establishment of Alzheimer's day care-resource centers, and is required to establish an advisory committee to make recommendations in the selection of grantees

This bill would extend this program through the 1990–91 fiscal year, and would instead require the Adult Day Health Care Review Committee, or the Long-Term Care Committee if SB 601 of the 1987–88 Regular Session is enacted as specified, to make recommendations to the department on the selection of grantees to operate Alzheimer's day care-resource centers.

This bill would make the act inoperative on July 1, 1991, and would repeal it as of January 1, 1992.

Ch 948 (SB 319) Watson. Family law health insurance· support.

Existing law requires that health insurance coverage shall be maintained for children with regard to whom an order for support has been made pursuant to the Family Law Act, if it is available at no cost or at nominal cost to a parent or the parents.

This bill would require that where health insurance is not so available, the support order shall contain a provision requiring health insurance coverage to be obtained if it becomes so available, as specified

Existing law requires each county to maintain a single organizational unit, located in the office of the district attorney, which has the responsibility for enforcing child and spousal support obligations. Applications for child support orders filed by the district attorney, except those involving complex issues, are required to be referred to a commissioner or referee for hearing, within a prescribed time frame, except as specified

This bill would require the district attorney to seek a wage assignment in a case as soon as an obligor is in arrears in child support payments in a sum equal to the amount of support payable for one month, as specified; would require commissioners and referees in counties which operate an expedited process described above to establish a temporary support obligation in complex cases prior to referring those cases to the full judicial system, and require that the effective date of orders enforced under specified federal law be as prescribed by that law or any subsequent date, as specified. Because these provisions would impose new duties on local officials, the bill 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,-000, shall be made from the State Mandates Claims Fund.

Ch. 949 (SB 384) Davis Insurance

(1) Existing law sets forth various requirements for contracts entered between nonprofit hospital service plans and subscribers, including the requirement that the contract contain, with prescribed exceptions, a statement that nothing in it shall restrict or interfere with the right of any individual entitled to hospital service and care to select the contracting hospital or to make a free choice of the attending physician This statement is not required when a plan has negotiated and entered into contracts for alternative rates of payment with professional or institutional providers, and offers the benefit of those alternative rates to group contractors who select those providers

This bill would also apply that exception when the plan offers the benefits of those

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

alternative rates to individual subscribers, and would make technical changes.

(2) Existing law requires nonprofit hospital service plans, which contract for alternative rates, to give reasonable consideration, as defined, to timely written proposals for contracting, as specified, by licensed or certified professional providers, except as otherwise provided.

This bill would limit the application of those provisions to plans which contract with professional providers, as specified, for alternative rates of payment and offer the benefits of those alternative rates to group contractors or individual subscribers who select those providers. The bill would specify that those provisions do not apply to a plan to the extent that it issues comprehensive health care contracts under other specified provisions, or contracts which limit payments to services secured by subscribers from providers charging alternative rates, as specified, or to documents issued in connection with those contracts. The bill would also contain a statement as to the intent regarding Chapter 559 of the Statutes of 1986, and the application of Section 10176 of the Insurance Code to nonprofit hospital service plans.

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 950 (SB 591) Morgan. In-home supportive services providers.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.

Existing law also requires that any public or private agency, including a contractor under contract with a county to provide in-home supportive services, who maintains a list or registry of prospective in-home supportive services providers, to require proof of identification from a prospective provider prior to placing the prospective provider on a list or registry or supplying a name from the list or registry to an applicant for, or recipient of, in-home supportive services.

This bill would provide for voluntary participation by Santa Clara County to conduct a special pilot project in that county to determine the need to screen prospective providers for prior criminal convictions which may pose a risk to IHSS applicants' or recipients' health and safety. This bill would provide that neither the county nor the state shall incur any liability for the conduct of the special pilot project. It would prescribe certain conditions for the pilot project and would repeal the pilot project on January 1, 1990

The bill would require the county to report to the Legislature by July 1, 1989, on certain information and evaluations

Ch. 951 (SB 622) Seymour. Local transportation fund. Orange County.

(1) Under the Mills-Alquist-Deddeh Act, the Orange County Transportation Commission is authorized, until January 1989, to direct that interest earned by money retained for the development of transit in the local transportation fund of Orange County be allocated to the county, cities in the county, and the Department of Transportation to be expended for public street and highway purposes and for exclusive public mass transit guideway purposes, as determined by the commission The money is required to be allocated in substantially equal portions to local streets and roads and to state highways

This bill would impose a state-mandated local program by requiring that the interest be continued to be so directed for as long as there is a balance retained in the local transportation fund for the development of transit, requiring that balance to be determined by the commission with the concurrence of the Orange County Transit District, and requiring the interest to be deposited in a specified separate account. The bill would include the Orange County Transit District and the commission among the entities to which the money is to be allocated, would replace the requirement that equal portions be allocated to local streets and roads and state highways with a requirement that ½ be allocated for local streets and roads to be done to the extent possible, and would delete the January 1, 1989, termination date of the provision The bill would also authorize the commission to allocate funds to the Department of Transportation for construction of

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

high-occupancy vehicle lanes within freeways in the county, 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. 952 (SB 650) Alquist. Flood protection: Guadalupe River.

(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 project for flood protection measures on the Guadalupe River in accordance with specified congressional action at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon recommendation of the Department of Water Resources.

The bill would authorize the department to pay 50% of the nonfederal capital costs of recreation and fish and wildlife enhancement features of the project.

The bill would impose a state-mandated local program by requiring the Santa Clara Valley Water District to give assurances to the Secretary of the Army of local cooperation and to execute plans for the project in cooperation with the Department of the Army.

(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 953 (SB 1012) Robbins. Insurance: Unfair Trade Practices Act.

Existing law authorizes the Insurance Commissioner to impose a fine, not to exceed $50, for a violation of a cease and desist order issued pursuant to specified provisions of the Unfair Trade Practices Act, or a fine, not to exceed $500, for a willful violation.

This bill would increase the authorized amount of those fines not to exceed $5,000 or $55,000, respectively.

Ch 954 (SB 1054) Seymour. Family law: missing children.

Existing law authorizes courts to make orders providing for the custody of children in proceedings for dissolution of marriage, as specified.

This bill would require, except as specified, a court in granting or modifying a custody order, as specified, in any case in which one or both parents of the child have not appeared either personally or by counsel, to require the parent, petitioner, or other party appearing in the case to submit a certified copy of the child's birth certificate to the court The court or its designee would then be required to forward the certified copy of the birth certificate to the local police or sheriff's department which would be required to check with the National Crime Information Center Missing Person System for specified information and report thereon to the court, 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 955 (SB 1075) Rogers. Fire safety regulations: state responsibility areas.

(1) Existing law requires the State Fire Marshal to adopt regulations for roof coverings and openings into attic areas of buildings in designated fire hazard severity zones.

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

This bill would require the State Fire Marshal to report to the Legislature by February 1, 1988, on these regulations and to identify the fire hazard severity zones and the agency responsible for enforcement in each zone.

(2) Existing law requires the State Board of Forestry to classify all lands within the state to determine state responsibility areas in which the state has the primary financial responsibility for preventing and suppressing fires. The Director of Forestry and Fire Protection is required to classify lands within state responsibility areas into fire hazard severity zones.

This bill would require the state board to adopt minimum fire safety standards applicable to state responsibility area lands under the authority of the Department of Forestry and Fire Protection. The bill would require all residential, commercial, and industrial building construction approved after July 1, 1989, within state responsibility areas to comply with the regulations

Ch. 956 (SB 1083) B. Greene Unemployment compensation.

(1) Existing law provides that the amount of unemployment compensation benefits payable to an individual for any week in which the individual is receiving retirement benefits shall be reduced by an amount equal to the amount of the retirement benefits attributable to that week, if certain specified conditions are met Pursuant to a provision of this law, these conditions apply retroactively to all unemployment compensation benefits, extended duration benefits, and federal-state extended benefits, payable to an individual for any week which begins after November 1, 1980.

Existing law also permits the Director of Employment Development to pay benefits due a deceased or legally declared incompetent person to those individuals legally entitled to receive these payments However, the retroactive provision above applies only to claimants who were alive on September 29, 1985, thus preventing those individuals legally entitled from receiving payments because the claimant died between November 1, 1980, and September 29, 1985.

This bill would repeal this limitation provision to allow those legally entitled individuals to receive benefit payments due a claimant who died during this specified period and would make other related technical changes.

The bill would also require the Employment Development Department to review the claim of each deceased person for whom unemployment insurance benefits were denied or reduced as specified, determine the amount of benefits payable on these claims, and make a diligent effort to notify and pay the benefits due any entitled person.

(2) Existing law provides a program of retraining benefits, administered by the Employment Development Department, for unemployed individuals who lack the skills to be competitive in the labor market and are training or retraining for new jobs in "demand occupations," as defined. Under this program, one of the criteria for eligibility is that the individual has not previously participated in an approved training program. Existing law provides that the above-described program remain in effect only until January 1, 1988

This bill would extend the termination date of that program from January 1, 1988, to January 1, 1993. It would also loosen the criterion for program eligibility based on previous nonparticipation, to require only that the training commence more than 3 years after the last approved training commenced It would also repeal certain other obsolete provisions and make a technical change.

(3) Existing law provides an additional maximum of 52 weeks of unemployment compensation benefits for an unemployed individual who, no later than the 16th week of unemployment, applies for, and is eligible for, retraining benefits.

This bill would clarify the above provision by specifying that the application is to be made not later than the 16th week of receiving those benefits, rather than the 16th week of unemployment

(4) Existing law also requires the Employment Development Department to annually issue specified reports on certain dates.

This bill would specify that the reports are to be issued to the Governor and the Legislature, that the displaced workers retraining program report include program outcomes and be issued by November 1 rather than November 15 of each year, and that

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

the annual evaluation of the Retraining Benefits program is the annual displaced workers retraining program report. This bill would also make technical, updating, and clarifying changes in that law.

(5) This bill would also declare that it is to take effect immediately as an urgency statute.

Ch. 957 (SB 1290) Watson. Aid to Families with Dependent Children program.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance, and which is administered and partially funded by the counties.

Under existing law, the amount of aid for which a family is eligible is determined by computing the family's income, with certain deductions and exclusions, including the exclusion of certain educational loans or grants, to the extent they are used to meet educational expenses.

Administrative regulations promulgated for the administration of those provisions of existing law require that, in cases where an AFDC recipient receives more than one educational loan or grant, the recipient's educational expenses are to be first applied to the totally exempt loans or grants, and any remaining educational expenses are to be applied to loans or grants which do not contain conditions precluding their use for current living costs.

This bill would preclude the application of educational expenses against educational loans and grants which are exempt from consideration as income in determining AFDC benefits. The AFDC program is supported in part by county funds. By increasing the cost of the program, this bill 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 958 (SB 1355) Campbell. Highway patrol.

Existing law provides that the Commissioner of the California Highway Patrol has primary jurisdiction for the administration and enforcement of laws and accident investigations on all state highways constructed as freeways within incorporated areas of the state.

This bill would provide that that jurisdiction also includes transit-related facilities located on or along the rights-of-way of state freeways, excepting specified facilities.

The bill would declare legislative findings of intent.

Ch. 959 (SB 1378) Davis. Buildings: construction observation services

Existing law requires that all plans, specifications, and instruments of service prepared by an architect be signed by the architect. Existing law also provides 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 the provision shall modify the liability of an architect who undertakes the provision of construction observation services.

This bill would define the term "construction observation services" as used in existing law.

Existing law defines the phrase "supervision of the construction of engineering structures" for purposes of the Professional Engineers Act.

This bill would revise that definition.

Ch. 960 (SB 1380) Boatwright. Support.

Existing law provides that a judgment, order, or decree for the payment of child or

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

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 enforceability of such a judgment, order, or writ may be renewed, as specified

This bill would, instead, provide that a judgment, order, or decree for the payment of child support or family support may be enforced by a writ of execution without prior court approval until five years after the child reaches the age of majority and, thereafter, for amounts that are not more than 10 years overdue on the date of application therefor.

Ch. 961 (SB 1510) Deddeh. Vehicles: drivers records foreign driver's licenses.

(1) Under existing law, the Department of Motor Vehicles may sell vehicle registration information from its records at a charge sufficient to cover costs, upon receiving specified identification of the person requesting the information The statutes do not provide for that requester identification with respect to a sale of drivers' license information.

This bill would, in addition, specifically permit inspection of those records and allow the department to require identification of the driver's record by the requester, as specified. The bill would also subject a sale of drivers' license information to the requester identification requirements

Further, this bill would delete the exemptions for attorneys requesting information for litigation, members of the press, and persons with a valid permit to examine departmental records.

(2) Under existing law, any person transporting explosive materials, hazardous wastes, or bulk liquid loads, as specified, is required to have an appropriate driver's license and certificate, as specified.

This bill would exempt from these requirements a nonresident possessing a valid driver's license, endorsement, or certificate from a foreign jurisdiction, meeting specified standards

The bill would declare that it is to take effect immediately as an urgency statute

Ch 962 (SB 1536) Keene Public officials and employees confidential information

Existing law generally prohibits public officials from participating in official decisions in which they have a financial interest and from engaging in incompatible activities.

This bill would prohibit any current public officers and employees from willfully and knowingly disclosing for pecuniary gain confidential information, as those terms are defined, acquired in the course of their official duties or using the confidential information for the purpose of pecuniary gain Since any violation of this prohibition would be a misdemeanor which local law enforcement agencies would be required to enforce, the bill would constitute a state-mandated local program.

This bill would not apply to disclosures made to a law enforcement agency or to the Joint Legislative Audit Committee in the reporting of improper governmental activities

The California Constitution requires 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. 963 (SB 1568) Campbell Disaster relief

Existing law establishes within the Reserve for Economic Uncertainties a Disaster Response-Emergency Operations Account, which is continuously appropriated for allocation by the Director of Finance, upon an order of the Governor, to state or local agencies for costs incurred related to emergencies declared by the Governor Funds allocated from the account to local agencies may be used to provide the local agency's share of the cost of participation in federal disaster relief programs but shall not be used to supplant federal funds otherwise available in the absence of state financial relief.

This bill would make a statement of legislative intent regarding these provisions.

The bill would incorporate additional changes in Section 8690 6 of the Government Code, proposed by SB 1095, to be operative only if SB 1095 and this bill are both

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

chaptered and become effective January 1, 1988, and this bill is chaptered last

Ch. 964 (SB 1588) Hart. Family law: child support.

The Agnos Child Support Standard Act of 1984 establishes a mandatory minimum child support award, determined pursuant to a specified formula, based on the net disposable income of the parents. Certain deductions are authorized in the establishment of the amount of a parent's net disposable income. Existing law requires that in order to be so deductible, child or spousal support paid by a parent to or for the benefit of a person, not a subject of the award to be established, must be paid pursuant to a court order

This bill would provide that, in the absence of a court order, certain child support payments actually being paid may be so deductible if the payments are being made for a natural or adopted child or children of the parent not residing in that parent's home, who is not the subject of the award to be established by the court, and for whom the parent has a duty of support It also would require that in order for the basic living expenses of a parent's natural or adopted dependent minor children from other marriages to be considered as the basis of a hardship deduction, the children must reside with the parent.

Ch. 965 (AB 85) Katz. Pharmacy

Existing law requires the California State Board of Pharmacy to contract with one or more employee assistance programs to administer an impaired pharmacist program and requires the employee assistance program to, among other things, train and work with volunteer intervenors in conjunction with a pharmacist's professional association. The law provides that the impaired pharmacist program shall be repealed on January 1, 1988, and requires the board to submit a sunset review report to the Legislature on or before March 31, 1987

This bill would delete the requirement that the employee assistance program train and work with volunteer intervenors in conjunction with a pharmacist's professional association and would make related changes

The bill would extend the repeal date of the program until January 1, 1992, and would delete an obsolete provision regarding the submission of a sunset review report.

Ch. 966 (AB 408) Johnston. State government: administrative costs.

Existing law allows the State Board of Control to charge administrative costs for amounts expended by the Legislature and other state entities and a proration of any other cost to, or expense of, the state for services or facilities provided for the Legislature and the other entities with an exception for highway tax proceeds the use of which is constitutionally restricted.

This bill would also except administrative costs assessed on moneys in the Department of Food and Agriculture Fund and would require the board to assess only those administrative costs incurred in connection with enforcement of the law under which the funds were derived

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 967 (AB 444) Johnson. Superior courts.

(1) Under existing law, a majority of the judges of a superior court may order sessions of the court to be held at any place where a municipal court holds sessions within the county.

This bill would, in addition, authorize a majority of the judges of the Orange County Superior Court to order specified sessions of the court to be held at any place within the county and would authorize a majority of the judges of the San Mateo Superior Court to order sessions of the court to be held prior to January 1, 1990, at a designated high school The bill would impose a state-mandated local program by expanding the responsibility of these counties to provide adequate facilities for the superior courts at each place where it holds sessions

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

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

procedures for making that reimbursement.

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

Ch. 968 (AB 502) Lancaster. PERS vision care

Existing law authorizes the Board of Administration of the Public Employees' Retirement System to contract with carriers for health benefits plans for employees and annuitants and major medical plans or to approve health benefit plans offered by employee organizations The board is also authorized to contract with health plans offering unique or specialized health services.

This bill would require the board to conduct a study on the cost of contracting with one or more carriers or plans which would provide state annuitants with vision care comparable to that provided state employees under plans contracted for by the Department of Personnel Administration It would require the board to prepare and submit a report on the study to the Legislature by April 1, 1988.

Ch. 969 (AB 516) Mojonnier Vessels· removal.

(1) Under existing law, a peace officer is authorized to remove a vessel from a public waterway under specified circumstances.

This bill would extend that authority to any employee or officer of the State Lands Commission designated by the commission, or any lifeguard or marine safety officer employed by a city, county, or district while engaged in the performance of official duties, and would include specified hazards to public safety or the property of another within those circumstances. The bill would authorize public entities to recover costs of removal through appropriate judicial action

(2) Under existing law, the State Lands Commission is authorized to eject trespassers from specified areas under its jurisdiction through appropriate judicial action.

This bill would authorize the commission to recover the costs of ejectment.

The bill would also authorize the commission to remove from areas under its jurisdiction any vessel or other watercraft under specified circumstances or, through appropriate judicial action, as defined, to remove or destroy any vessel or other similar obstruction under specified circumstances The bill would authorize the commission to recover removal costs

Ch 970 (AB 541) Ferguson Controlled substances

Existing law specifies, with respect to specified controlled substances, the punishment for their unlawful possession, possession for sale, transportation, and related acts, including engaging in those acts involving a minor.

This bill would include certain forms of dronabinol, which is a synthetic form of tetrahydrocannibol, in those provisions 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.

Ch. 971 (AB 546) Condit Local law officers: standards and training.

Existing law requires the Commission on Peace Officer Standards and Training to establish and enforce minimum standards relating to peace officer members of specified entities

This bill would require the commission to additionally establish and enforce minimum standards relating to local public safety dispatchers, as defined.

Existing law provides for grants of state aid by the commission to local governments and districts from the Peace Officers' Training Fund

This bill would provide that any governmental entity desiring to receive that state aid for the training of regularly employed and paid local public safety dispatchers shall include the request for that aid in its application to the commission for the aid.

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

Ch. 972 (AB 580) Allen. Poison control centers.

Under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, the Emergency Medical Services Authority is required to establish standards for the designation and operation of poison control centers

Existing law defines a poison control center as a facility meeting specified criteria, and which has been designated by the local emergency medical services agency as a poison control center.

This bill would, instead, require the Emergency Medical Service Authority to adopt criteria for regional poison control centers, and would authorize the authority to designate poison control centers.

The bill would also require the authority to establish geographical service areas for these centers

The bill would also prohibit any person or persons, business, agency, organization, or other entity, whether public or private, from holding itself out as providing a poison advice service or use the term poison control center, poison advice center, or any other similar term which implies that it is qualified to provide advice on the treatment or handling of poisons in its advertising, name, or in printed materials and information it furnishes to the general public, unless that entity either has been designated as a poison control center by the appropriate authority or it is a company or organization which provides a poison information service for products or chemicals which it manufactures or distributes

The bill would specify that its provisions shall not prohibit a qualified health care professional, within his or her level of professional expertise, from providing advice regarding poisoning or poisons to his or her patient or patients upon request or whenever he or she deems it warranted in the exercise of his or her professional judgment, as otherwise permitted by law.

Since a violation of the Prehospital Emergency Medical Care Personnel Act is punishable as a misdemeanor, the bill would impose law enforcement duties upon local agencies, thereby constituting 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. 973 (AB 642) Connelly. Insurance vehicle repair kickbacks.

Nothing in existing law expressly prohibits insurance agents or brokers, or solicitors employed thereby, from accepting commissions or other consideration for referring insureds to particular repair shops for vehicular repairs.

This bill would prohibit an insurance agent, broker, or solicitor from accepting any financial benefit or other consideration for such a referral with respect to a claim payable under commercial or noncommercial automobile property damage, comprehensive, or collision coverage in an insurance policy issued through the agent or broker or by an insurer represented by the agent. Knowing and willful violation of this bill would be grounds for suspension or revocation of the violator's license to act as an insurance agent, broker, or solicitor

The bill would also prohibit an automobile repair dealer from offering any insurance agent, broker, or adjuster any fee, commission, profit-sharing, or other form of direct or indirect compensation for referring an insured to that repair dealer. A violation of this prohibition would be a misdemeanor, thus the 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.

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

Ch. 974 (AB 684) Speier. Money judgments: homestead filing services: false or misleading statements.

Existing law generally provides that it is a misdemeanor for anyone to make false or misleading statements respecting, among other things, the performance of services.

This bill would make it unlawful for any person to make any untrue or misleading statements, as specified, in any manner in connection with the offering or performance of a homestead filing service, as defined, or to perform a homestead filing service without making a specified disclosure in any advertisement, promotional material, or oral solicitation and thus this bill would impose a state-mandated local program by creating new crimes.

This bill would also (1) require the offeror of a homestead filing service to deliver each notarized homestead declaration, as specified, and pay all fees in connection with, the notarization and recordation of a homestead declaration; (2) provide that the total amount charged, demanded, or collected by an offeror of a homestead filing service shall not exceed $25, and (3) provide that no fee shall be charged, demanded, or collected until after the homestead declaration is recorded

The California Constitution requires 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 975 (AB 747) Sher. Surface mining reclamation plans.

Under the Surface Mining and Reclamation Act of 1975, with specified exceptions, a person is prohibited from conducting surface mining operations unless a permit is obtained from, and a reclamation plan has been submitted to and approved by, the lead agency for the surface mining operation. A person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, is not required to obtain a permit, but is required to submit a reclamation plan to the lead agency and to have it approved within a reasonable period of time. The State Mining and Geology Board is required to review lead agency ordinances which establish permit and reclamation procedures.

This bill would require an existing surface mining operation with vested rights without an approved reclamation plan to submit a plan to the lead agency not later than March 31, 1988, and to have the reclamation plan approved by July 1, 1990, or it could not continue surface mining operations until a reclamation plan was submitted or approved as required. Appeals of plans denied approval by a lead agency could be submitted to the board as specified. Reclamation plans approved by the board would have to be approved by the lead agency, except that subsequent amendments could be made if agreed upon by the operator and lead agency in accordance with the act.

Ch. 976 (AB 873) Floyd. Wage deductions. statement and records

Existing law which is enforced by the Labor Commissioner requires employers, except public agencies, to furnish each employee with a wage deduction statement containing prescribed information whether the employee is paid by check, draft, or voucher, or in cash. Existing law provides certain sanctions for violation of these provisions which are not identical for employers who pay in cash as compared to employers who pay by check, draft, or voucher.

This bill would consolidate those provisions and make the penalties uniform.

Ch. 977 (AB 989) Isenberg Pilots for San Francisco, San Pablo, and Suisun Bays.

(1) Existing law prescribes the pilotage rates for the Bays of San Francisco, San Pablo, and Suisun, specifying, among other charges, a charge of 28.95 mills per high gross registered ton for a trip from the high seas to dock or from the dock to high seas. Existing law requires the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays to complete a manpower study to determine the number of pilots to be licensed and requires the number of licensed pilots to be adjusted, as prescribed, in accordance with that determination. Existing law also requires the mill rate for bar pilotage charged

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

pursuant to specified provisions to be adjusted, as prescribed, in accordance with that determination.

This bill would increase the charge to 46 06 mills The bill would require the board to determine the number of pilots to be licensed based on the 1986 manpower study, and would delete the provisions for adjustment of the mill rate

(2) 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 $85 multiplied by the number of years of service.

This bill would increase the $85 amount to $95

(3) Existing law limits the total amount of pension benefits which may be paid out in any year to $500,000

This bill would increase that limitation to $750,000

(4) Under existing law, all pilots other than pilots retiring not later than December 31, 1988, are required to have proper federal endorsements for the high seas and all waters of the Bays of San Francisco, San Pablo, and Suisun and the tributaries thereof, except for the Ports of Sacramento and Stockton.

This bill would require the federal endorsements for all pilots issued original licenses after December 31, 1987, to include the waters of the Ports of Sacramento and Stockton, and would make related changes.

(5) Existing law also establishes, in addition to other fees for pilotage, a surcharge for each vessel movement using pilot services of $2 50 for each pilot trainee enrolled in the pilot training program, and authorizes the board to adjust that amount in order to efficiently administer the training program

This bill would provide for the amount of the surcharge to be established by the board and would make related changes

(6) The bill would make an appropriation since a percentage of the pilotage fees would be deposited in the Board of Pilot Commissioners Special Fund, which is a continuously appropriated fund.

Ch. 978 (AB 1004) N Waters. Adoption assistance

Existing law requires the State Department of Social Services and all adoption agencies to disseminate information to prospective adoptive families as to the availability of adoptable special needs children and the existence of aid to adoptive families for special needs children

This bill would, in addition, require the department or the licensed adoption agency, whichever is appropriate, at the time of application for adoption of a "special needs" child, as defined, to provide all prospective adopting parents with information, in writing, on the availability of Adoption Assistance Program benefits, with an explanation of the difference between these benefits and foster care payments

Ch 979 (AB 1094) Felando Commercial fishing gill nets

(1) Existing law prohibits more than 6,000 feet of shark and swordfish gill nets on the net reel or deck of a vessel and in the water and prohibits use of quick-disconnects on those nets.

This bill would permit use of quick-disconnects on those nets if the total shark and swordfish net and net panels, as specified, does not exceed 6,000 feet.

(2) Under existing law, the use of gill nets and trammel nets is restricted by area of use, mesh size, fish taken, and time of use.

This bill would, additionally, require that set gill nets and trammel nets of mesh size 8 inches or greater and less than 12 inches used during the period from December 15 to May 15, inclusive, in specified ocean waters south of Point Conception be constructed with specified breakaway and anchoring features.

The bill would also during that period prohibit the use of gill nets and trammel nets within a specified distance of specified headland points on the coast.

Violations of the requirements and prohibitions in the bill would be misdemeanors pursuant to existing provisions of law, and thereby the bill would impose a state-mandated local program.

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

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

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 declare that it is to take effect immediately as an urgency statute.

Ch. 980 (AB 1128) Wright. Boards and commissions: per diem.

(1) Under existing law, each member of the Commission on the Status of Women is entitled to receive his or her actual and necessary expenses while on official business of the commission.

This bill would entitle members to receive only actual and necessary traveling expenses and would, in addition, authorize public members of the commission to receive $100 per diem while on official commission business not to exceed 12 days per year.

(2) Under existing law, members of the Vocational Rehabilitation Appeals Board receive actual and necessary traveling expenses incurred in the course of official duties.

This bill would provide that members receive, in addition, $100 per diem for each day actually spent in the discharge of official duties and that those payments be made from federal and state general fund moneys appropriated to the department.

Ch. 981 (AB 1191) Bradley. Hazardous substances regulations.

(1) Existing law provides that until the Environmental Protection Agency determines that the State Department of Health Services has adopted standards and regulations necessary for final authorization under the federal Resource Conservation and Recovery Act of 1976, all of the federal regulations are in effect in this state, except that state laws or regulations which are more stringent than the corresponding federal regulations are also in effect.

This bill would instead provide that until the Environmental Protection Agency grants final authorization, all federal regulations are deemed to be the regulations of the state, except that any state statute or regulation which is more stringent or extensive than a federal regulation would supersede the federal regulation

(2) Under existing law, the money in the Hazardous Substance Cleanup Fund and the Hazardous Substance 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 a remedial action plan is required to be prepared or approved for each site on the list, which is required to be based upon specified federal regulations.

This bill would specify that the remedial action plan be based upon those regulations as amended.

(3) The bill would incorporate additional changes to Section 25356.1 of the Health and Safety Code proposed by AB 2036 to be operative only if AB 2036 and this bill are both enacted and become effective on January 1, 1988, and this bill is chaptered last.

Ch. 982 (AB 1208) Cortese. Subdivisions.

Existing provisions of the Subdivision Map Act require various certifications to be made on, or in connection with, a final subdivision map or parcel map

This bill would authorize or require, in certain cases, the use of a statement in lieu of a certificate or certification. This bill would make related changes.

The amendments proposed by this bill to Section 66499.23 of the Government Code would not be operative if SB 654 is enacted, becomes effective on or before January 1, 1988, and repeals that section This bill would incorporate additional changes in Section 66493 of the Government Code, proposed by SB 837, to be operative only if SB 837 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 983 (AB 1355) Mojonnier Recreational marinas.

Under existing law, the Department of Boating and Waterways is authorized to make loans to private marina owners for not more than 75% of the actual direct cost for labor

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

and materials to develop a recreational marina.

This bill would, instead, authorize loans for construction costs, as specified.

Ch. 984 (AB 1410) Cortese. Hazardous waste.

(1) Existing law requires the Governor to establish a Hazardous Waste Enforcement Unit within the State Department of Health Services administered by an enforcement coordinator who has specified duties.

This bill would require the director of the department to establish the unit, would revise a statement of legislative intent, and would also revise these duties, including deleting requirements to provide assistance to city attorneys and district attorneys. The bill would additionally require the coordinator to establish, maintain, and publicize a toll-free telephone number which is available to the public to report information regarding hazardous waste enforcement violations.

(2) Under existing law, the statewide Hazardous Waste Strike Force is required to establish a program among the agencies represented on the strike force for the purpose of uniform enforcement of hazardous waste statutes and regulations.

This bill would instead require the strike force to recommend these programs.

(3) Existing law establishes the enforcement unit, the enforcement coordinator, and a statewide Hazardous Waste Strike Force until January 1, 1988.

This bill would delete the termination date for these provisions.

Ch. 985 (AB 1486) Sher. Development projects.

(1) Existing law establishes a civil mandamus remedy to compel a lead agency or responsible agency which is required by law to hold a public hearing regarding a development project, and has not done so within a specified period, to hold the hearing

This bill would include within this remedy the failure of a local agency or responsible agency to provide public notice required by law.

(2) Existing law requires a public agency which is a lead agency, as defined, to approve or disapprove a development project within one year from the date an application requesting approval is received and accepted as complete by the lead agency and requires a responsible agency, as defined, to approve or disapprove development projects within 180 days of the date the lead agency takes action or within 180 days of the date on which the application is received and accepted as complete. In the event that a lead agency or responsible agency fails to meet these time limits, the failure is deemed to be approval of the development project under existing law.

This bill would specify that the constructive approval under existing provisions applies only to approval of the permit application for the development project. The bill would also provide that the project shall be deemed approved only if prescribed public notice requirements have been met. The bill would require the permitting agent to refund to the applicant any unused fees which were collected to provide public notice of a development project, where the permit applicant has met the notice requirements prescribed in the bill as a condition to the project being deemed approved.

These provisions would create a state-mandated local program by imposing new requirements upon a local agency which is a permitting agency.

(3) Existing law requires that a permitting agency notify applicants regarding time limits for approval and review as required by specified provisions

This bill would impose a state-mandated local program by requiring notification to applicants regarding distribution requirements and public hearing requirements, and specified requirements concerning hazardous waste and substance sites, under applicable provisions of law. The bill would additionally impose a state-mandated local program by requiring that the public agency notify applicants of provisions of law prohibiting a public agency from imposing certain conditions to approval of a building permit, or tentative or parcel map.

(4) Under existing law, an application for a development project is deemed complete unless the permitting agency determines, in writing, within 30 days of receipt whether the application is complete, and transmitted the determination to the applicant within that period.

This bill would also require for this purpose that the application include a statement

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

that it is an application for a development project.

(5) Under existing law, each state agency and each local agency is required to compile one or more lists specifying in detail the information which will be required from any applicant for a development project. Each local agency is required to revise the list of information required from an applicant to include certain matters Copies of the information are required to be made available to all applicants for development projects and to any person who requests the information.

This bill would impose a state-mandated local program by requiring each local agency to revise the list of information to include the requirement, added by the bill and summarized in paragraph (4) above, that the application include a statement that it is an application for a development project.

(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 986 (AB 1586) Campbell. Vehicles: general public paratransit.

(1) Existing law regulates the operation, inspection, and certification of schoolbuses and youth buses.

This bill would require the Department of the California Highway Patrol to inspect at least annually and certify general public paratransit vehicles, as defined, and require drivers to pay a fee and complete specified driver training courses. All vehicles would be required to display, and drivers to possess, certificates, thereby imposing a state-mandated local program by creating a new crime.

(2) The provisions of the bill would become operative on July 1, 1988

(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. 987 (AB 1629) Sher Forest practices rules and regulations· report on resource conservation standards

Under the Z'berg-Nejedly Forest Practice Act of 1973, all timber harvesting plans are required to comply with specified resource conservation standards which specify minimum stocking requirements or with higher stocking standards adopted by the State Board of Forestry. The board is required to adopt rules and regulations for forest practices for each forest district.

This bill would require the board to adopt regulations for specified site preparation involving disturbance of soil or burning of vegetation and for maintenance of skid trails, roads, and landings, on or before November 1, 1988, and to adopt regulations for protection of beneficial uses of streams in timber operations, as defined. The bill would require the Department of Forestry and Fire Protection to report to the Governor and the Legislature, on or before July 1, 1989, on the adequacy of existing standards in meeting the objectives of the act and achieving maximum sustained production of high-quality timber products

Ch. 988 (AB 1773) Lewis. School district reorganization.

Existing law provides for the reorganization of school districts according to specified procedures.

Notwithstanding those provisions, this bill would authorize the transfer of the Yorba Linda Elementary School District from the Fullerton Joint Union High School District, to which its boundaries are not contiguous, to the Placentia Unified School District, to which its boundaries are contiguous, pursuant to the approval of an action to reorganize by the governing boards of the elementary and unified school districts, and by a majority of the electors residing in the elementary school district and a majority of the electors residing in the unified school district, as specified This bill would thereby impose a

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

state-mandated local program with regard to specified election duties of the Orange County Superintendent of Schools and the county committee on school district organization.

This bill would specify that the Placentia Unified School District shall not have any jurisdiction for grades 9 to 12, inclusive, within the boundaries of the Yorba Linda Elementary School District, as the jurisdiction of the Yorba Linda Elementary School District exists upon the effective date of this act The Superintendent of Public Instruction would withhold apportionments from the Placentia Unified School District, and make those apportionments to the Fullerton Joint Union High School District, for pupils affected by this requirement who attend school in the Placentia Unified School District without the consent of the governing board of the Fullerton Joint Union High School District.

This bill would make specific provisions, pursuant to that reorganization, for the ownership of liquid and fixed assets of the districts, and for current bonded indebtedness in each district.

This bill would require the governing board of the existing unified school district to continue in existence, and to serve as the governing board of the new district The bill would authorize the board to be temporarily increased from 5 to 7 members, as specified.

This bill would require that, in the event the reorganization occurs, the Placentia Unified School District provide specified pupil information twice each year to the Orange County Superintendent of Schools, who shall make that information available to the Fullerton Joint Union High School District and shall review the information to ensure that pupils in grades 9 to 12, inclusive, within the jurisdiction of the Fullerton Joint Union High School District are not attending school in the Placentia Unified School District without authorization. This bill would thereby impose a state-mandated local program as to the county superintendent of schools

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Under provisions of the implementing state guidelines, the closing of a public school and the transfer of students to another school when the only physical changes involved are categorically exempt is not a project for purposes of this act.

This bill would specify that the act applies to an action to reorganize school districts pursuant to this bill.

The bill would authorize the election to be held by the voters of the affected school districts prior to January 1, 1990.

The bill would specify that its provisions shall be repealed on January 1, 1990, if the election is not held prior to that date, or on the day after the date of the election if a majority of the voters in each of the school districts do not approve the proposed reorganization.

Ch. 989 (AB 1859) N. Waters Governmental reorganization.

(1) Existing law relating to local governmental reorganization, among other things, defines "inhabited territory" and requires any petitioner or legislative body desiring to initiate proceedings for a proposed change of organization or reorganization to submit an application to the executive officer of the principal county.

This bill would revise the definition of "inhabited territory" by changing the date which is used to determine whether territory is inhabited.

(2) Existing law permits a proposal for a change of organization or reorganization to be made by the adoption of a resolution of application by the legislative body of an affected local agency.

This bill would permit the legislative body to give each interested agency, as defined, and each subject agency notice describing the proposal and the affected territory at least 20 days before adoption of the resolution.

(3) Existing law requires any petitioner or legislative body desiring to initiate pro-

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

ceedings for a proposed change of organization or reorganization to submit an application to the executive officer of the principal county.

This bill would impose a state-mandated local program by requiring, with certain prescribed exceptions, that the executive officer of the principal county give notice to each local agency containing or which would contain all or part of the affected territory after receiving an application, as specified, and by requiring the executive officer not to accept an application for filing and issue a certificate of filing for at least 20 days after giving the notice as specified

(4) Existing law concerning the hearing on a proposed change of organization or reorganization permits filing of a written protest at any time prior to the time specified for the commencement of the hearing.

This bill would permit written protests to be filed at any time prior to the conclusion of the hearing and would make related changes.

(5) Existing provisions of the California Industrial Development Financing Act authorize the establishment of industrial development authorities by counties and cities. Under existing law, these authorities are authorized to issue revenue bonds to fund certain projects of private enterprise.

This bill would authorize industrial development authorities in cities with populations of less than 50,000 persons in a county of the 8th class to utilize these revenue bonds to finance the acquisition and development of land for automotive sales and service and related activities.

(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 990 (AB 1926) Bader. School districts emergency apportionments

Existing law requires, as a condition of receiving an emergency apportionment from the state, that a school district initially provide, to the county superintendent of schools, an independent auditor's report, a written management review conducted by a qualified management consultant, and a plan to resolve the financial problems of the district, as specified. Existing law requires that the county superintendent of schools review that report, the management review, and the district plan.

This bill, in addition, would require the county superintendent of schools, upon his or her approval of the district plan, to provide written comment on the report, the written management review, and the district plan, thereby imposing a state-mandated local program This bill would require the applicant district to reimburse the county superintendent of schools for the costs resulting from the performance of those and other specified duties.

This bill would provide that the acceptance by a district of an emergency apportionment shall constitute an agreement by the district to have the Superintendent of Public Instruction appoint a trustee to monitor and review the operations of the district, as specified.

Existing law requires the Controller to review and monitor the audit reports performed by independent auditors.

This bill would authorize the Controller to perform quality control reviews of audit working papers to determine whether the audits conform to the audit guide, and would require the Controller to communicate the results of those reviews to the independent auditor and the affected school district or office of the county superintendent of schools, and to review his or her findings with the independent auditor.

This bill would require that the Controller cause an annual audit to be conducted of the books and accounts of the district, in lieu of the annual audit required under existing law, until he or she determines, as specified, that the district is financially solvent.

Existing law requires the State Department of Education to report to the Legislature on or before January 1 of each year with specified information concerning the status of school districts that have received emergency apportionments under any specific statutory apportionment.

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

This bill would change that reporting deadline to February 15, and would delete the requirement that specified information be contained in the report

Existing law requires a county superintendent of schools having jurisdiction over a district, upon his or her approval of a district fiscal plan adopted by the district governing board to resolve the financial problems of a district, to submit copies of his or her report, review, and plan, as specified, to the Superintendent of Public Instruction, the Joint Legislative Audit Committee, the Joint Legislative Budget Committee, the Director of Finance, and the Controller.

This bill would also require that copies of the report, review, and plan, and the county superintendent's written comments, as specified, be submitted to the Auditor General and the Controller, thereby imposing a state-mandated local program and would delete the Joint Legislative Audit Committee from the provisions.

Existing law requires that the governing board of a district requesting an emergency apportionment set forth in its subsequent budgets information regarding the utilization of the plan to resolve its financial problems. Existing law also requires the appropriate county superintendent of schools to submit a followup report to the Superintendent of Public Instruction and the Director of Finance concerning action taken under the district plan

This bill would repeal those provisions and instead require the school district governing board to submit an annual report to the trustee, for his or her approval, containing specific information on the financial condition of the district. The district would be required to submit copies of that report to the county superintendent of schools, the Superintendent of Public Instruction, and the Controller.

The California Constitution requires 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. 991 (AB 1972) Condit. Controlled substances: offense enhancements conspiracy.

Existing law provides for the imposition of a sentence enhancement upon conviction of specified controlled substances offenses, including the unlawful possession or purchase for sale, transportation, importation, sale, or furnishing of, or certain related offenses involving any of prescribed amounts of heroin or cocaine.

This bill would provide that persons convicted of the unlawful possession or purchase for sale, transportation, importation, sale, or furnishing of, or certain related offenses involving heroin or cocaine shall receive an additional term of 15 years where the substance exceeds 100 pounds by weight

This bill would incorporate additional changes in Section 11370 4 of the Health and Safety Code, proposed by SB 943, to be operative only if SB 943 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

Ch. 992 (AB 2356) McClintock. Emergency medical services technicians.

Existing law requires the State Department of Health Services to establish a list of reportable diseases, cases of which shall be reported by the county health officer to the department.

This bill would provide that if specified conditions are met whenever any emergency medical technician, as defined, who has provided emergency medical or rescue services to a patient transferred to the chief medical examiner-coroner, and, through that patient, the technician has been exposed to a person afflicted with a disease or condition which is listed by the department as reportable, and which can, as determined by the county health officer, be transmitted through oral contact or secretions of the body, the technician shall be notified by the county health officer that he or she has been exposed to the disease and should contact the county health officer.

The bill would specify that when a county health officer notifies an emergency medical technician, the county health officer shall not disclose the name of the patient or

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

other identifying characteristics to the emergency medical technician. The bill would further specify that its provisions shall not be construed as permitting disclosure of information by the medical examiner or coroner or an emergency medical technician except as authorized by law.

Since the bill would impose additional duties on local agencies, it 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.

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

Ch. 993 (AB 2488) Chacon Elections.

(1) Existing law provides that whenever any petition or paper is required to be signed by voters, only a person who is a registered qualified voter at the time he or she signs the petition or paper is entitled to sign it.

This bill would provide that only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it It would require the signer to personally affix his or her signature, and would specify the form to be used in that portion of the petition for voters' signatures, printed names, and residence addresses.

(2) Existing law provides that a candidate's name shall not be printed on the primary election ballot unless nomination documents are delivered to the county clerk not less than 88 days and not more than 113 days prior to the primary election

This bill would provide that the required forms shall first be available on the 113th day prior to the primary election and shall be delivered by 5 p.m on the 88th day prior to the primary election.

(3) Existing law requires the officer with whom nomination documents are filed to keep a record thereof.

This bill would repeal this provision.

(4) Existing law requires the Secretary of State to send to each county clerk a certified list of candidates for nomination on a specified form

This bill would make technical changes in this form.

Existing law requires the Secretary of State to certify to the county clerks the names of candidates nominated at a primary election on a specified form.

This bill would require the Secretary of State to certify candidates nominated or selected at a primary election.

(5) Existing law provides that a statement of write-in candidacy and nomination papers shall be delivered to the elections official by the 14th day prior to the election.

This bill would provide that those documents shall be available on the 57th day prior to the election and shall be delivered by the time specified by law.

(6) Existing law requires the county clerk, between the 1st Monday and the 2nd Monday of March preceding the direct primary, to compute the number of Democratic and Republican county central committee members allotted to each district.

This bill would require that computation to be done no later than January 31 preceding the direct primary.

(7) The clerk conducting the election shall destroy unused ballots in the control of the clerk.

This bill would provide that the clerk may deface those ballots according to specified procedures or may recycle the unused ballots according to specified procedures.

This bill would authorize the clerk to recycle unused ballots remaining in the control of the clerk which are held for election purposes.

(8) Existing law provides that the filing of election documents by candidates in elections consolidated with a regularly scheduled election shall commence on the 113th day prior to the election and shall be filed by 5 p.m. on the 88th day prior to the regularly

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

scheduled election.

This bill would provide that if nomination documents for an incumbent are not filed by the specified time and day before the election, any person other than the incumbent may file nomination documents for the office until 5 p.m on the 83rd day before the election.

(9) Existing law specifies the procedures for election of elective officers of districts subject to the Uniform District Elections Law.

This bill would delete the reference in these provisions to nominating petitions, nomination forms, and nomination papers, and would instead refer to declarations of candidacy. It would delete the reference to a nominee and would instead refer to a candidate.

This bill would also delete the requirement for an "official filing petition," would delete the required nomination form, and would require a specified declaration of candidacy form, would delete the requirement for an affidavit of a circulator, and would delete the prohibition against a voter signing the nominating petition of a person for whom he or she cannot vote.

Ch. 994 (AB 2651) Seastrand. Drug abuse prevention

Existing law establishes the School-Community Primary Prevention Program which, in counties in which the board of supervisors and the county board of education have each adopted a resolution to apply for funds under the program, authorizes school and classroom-oriented drug abuse prevention programs, school or community-based nonclassroom alternative programs, or both, among other things. Both the state departments of Education and Alcohol and Drug Programs administer the program at the state level

This bill would delete the authority of the State Department of Education and, instead, require the State Department of Alcohol and Drug Programs to administer the program and to share reports on the implementation of the program with the State Department of Education.

This bill would require that the school and classroom oriented program include referral skills, and the school or community-based nonclassroom alternative programs include positive role model programs

Under existing law, a county electing to participate in the program is required to apply for available funds Funds are allocated to programs on a competitive basis.

This bill would delete the requirement that funds are allocated to programs on a competitive basis.

This bill would impose a state-mandated local program by requiring existing county programs to prepare a school-community primary drug abuse prevention plan and to include it as part of the county drug plan

Under existing law, the county is required to incorporate certain materials and evidence into its local school-community primary drug abuse prevention plan The application for funds is required to be reviewed by a review selection committee appointed by both of the departments.

The bill would require the State Department of Alcohol and Drug Programs to appoint the members of the review selection committee

The bill would require the school-community primary drug abuse prevention plan to contain evidence of intent and capability of the county to provide for the needs of ethnic minorities and other underserved groups

Under existing law, no more than 5% of the total amount of funds provided for school-community primary prevention programs can be used for administrative costs

This bill would increase this percentage to 7.5%.

The bill would also require the counties to submit certain reports to assure 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.

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

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

Ch. 995 (AB 2655) N. Waters. Agriculture.

(1) Existing law generally prohibits any person from selling any nursery stock unless that person holds a license issued by the Director of Food and Agriculture. The director is required to charge a fee for this license at a maximum of $65 plus an acreage fee

This bill would, until January 1, 1993, require a licensee to additionally pay an assessment of ¼ of 1% on the gross sales from the prior year of all pome and stone fruit trees, nut trees, and grapevines at the time the licensee applies for renewal. The fees collected would be deposited in the Department of Food and Agriculture Fund and would be continuously appropriated to the Department of Food and Agriculture to support specified programs regarding fruit and nut trees and grapevines. The director would be required to appoint a committee, as specified, to assist in implementing these provisions.

(2) Existing law relating to the marketing of shell eggs defines "egg dealer" as a person engaged in the business of producing, candling, grading, packing, or otherwise preparing shell eggs for market or selling or distributing shell eggs.

This bill would delete the term "egg dealer" for purposes of this law and instead use the term "egg handler." The bill would also recast the definition. The bill would also define the term "producer" for purposes of this law.

(3) Existing law relating to the marketing of shell eggs requires persons engaged as egg dealers to register annually with the Director of Food and Agriculture.

This bill would instead require egg producers and egg handlers to register with the director once and then only again if current information changes.

(4) Existing law requires egg dealers and retailers to pay one mill for each dozen eggs sold or purchased in this state, as specified

This bill would instead require egg handlers, egg producers, and, when purchasing from out-of-state, retailers and egg breaking plants to pay the assessment.

Ch 996 (SB 57) Marks. Medi-Cal.

Under existing law, the State Director of Health Services is required to ensure that inpatient and outpatient hospital claims under the direct control of the Medi-Cal fiscal intermediary meeting certain requirements shall be adjudicated within 30 days of receipt by the fiscal intermediary contractor.

This bill would eliminate this requirement

Under the Medi-Cal Act the State Department of Health Services may enter into nonexclusive contracts providing arrangements under which funds available for health care are administered and disbursed to providers in consideration for services rendered and supplies furnished by them. Existing law provides, among other things, that the contract provide that the contractor review and reject or process for payment bills for service within 18 days from receipt of evidence establishing validity of the bill for payment in the office of the contractor.

This bill would provide, in addition, that 90% of all bills submitted to the contractor and under the contractor's control be processed and paid in 30 days and 99% of all claims submitted to the contractor and under the contractor's control be processed and paid in 90 days.

This bill would require the Legislative Analyst to review in a prescribed manner the degree to which the Medi-Cal fiscal intermediary has complied with the requirements of the request for proposal. It would require the State Director of Health Services to report to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committee of each house of the Legislature on certain dates concerning contract compliance including implementation of program enhancements required by the request for proposal. The bill would further permit the Joint Legislative Budget Committee to hold hearings on the reports within a specified time of receipt of the report.

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

Ch. 997 (SB 69) Mello. Medical assistance.

(1) 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 institutionalized spouse use his or her interest in the community property and nonexempt separate property to pay for the costs.

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 as a resident of a skilled nursing facility or intermediate care facility, the Medi-Cal applicant may transfer his or her interest in the home to the other spouse without subjecting the home to the spend-down requirement.

Existing law also requires the State Department of Health Services to provide a written statement to Medi-Cal applicants on the effect of the transmutation of certain community property to separate property.

This bill would specify that the statement be a clear and simple written statement, and with regard to residents and applicants of a skilled nursing facility or intermediate care facility, would instead require that facility to provide any resident of the facility and any person applying for admission to the facility, and that person's spouse and responsible relative, with a written statement regarding Medi-Cal benefits and the use of separate and community property in determining eligibility for Medi-Cal

The bill would also require the State Department of Health Services to include training regarding the treatment of separate and community income and resources in determining eligibility for Medi-Cal benefits, as part of the ongoing training offered to county welfare departments.

(2) Under the Long-Term Care, Health, Safety, and Security Act of 1973, which is administered by the State Department of Health Services, a long-term health care facility may be found to have committed various classifications of violations, including class B violations, which are violations which have a direct or immediate relationship to the health, safety, or security of long-term health care facility patients, but which do not present an imminent danger or substantial probability that death or serious physical harm to patients will occur.

This bill would provide that violations of requirements of the bill concerning information to be given consumers regarding the State Long-Term Care Ombudsman by a long-term health care facility would constitute a class B violation.

Ch. 998 (SB 252) 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, and specifically requires that, notwithstanding any other provision of law, reader services be provided directly by the Department of Rehabilitation to blind students attending community colleges who are under sponsorship of the department The requirements with respect to mandatory reader services in the community colleges remain in effect until July 1, 1988, and as of that date are repealed under current provisions, unless a later enacted statute, enacted prior to July 1, 1988, deletes or extends that date.

This bill would delete the repeal of these mandatory reader service provisions The bill would also specifically require the department to seek federal funds for these mandatory reader services.

Ch. 999 (SB 286) Robbins. Drugs: minors.

Existing law makes it a crime to furnish or administer certain drugs and controlled substances, with various exceptions.

This bill would provide that any coach, trainer, or other person acting in an official or nonofficial capacity as an adult supervisor for an athletic team consisting of minors

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

under the age of 18 who sells, gives, or otherwise furnishes to any member of that team a diuretic, diet pill, or laxative, with the intent that it be consumed, injected, or administered for any nonmedical purposes such as loss of weight or altering the body in any way related to participation on the team or league, is guilty of a misdemeanor. This bill would provide that it does not apply to a physician, or the parent or guardian of the minor, or any person acting at the written direction of, or with the written consent of the parent or guardian 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. 1000 (SB 359) Ellis. Safe drinking water grants: Descanso Community Water District.

Existing law (The California Safe Drinking Water Bond Law of 1986) 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 a grant from the California Safe Drinking Water Fund to the Descanso Community Water District for the purpose of improving its domestic water supply system 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, and the amount of, the grant in accordance with the bond law.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1001 (SB 371) Royce PERS: accountability. postretirement employment penalty.

(1) The Public Employees' Retirement Law (PERL) makes various provisions for the correction of errors and omissions and authorizes the Public Employees' Retirement System (PERS) to refrain from collecting an underpayment of accumulated contributions whenever the amount to be collected is $50 or less.

This bill would increase from $10 to $50, the amount of individual accounts payable for which the system is discharged from accountability

(2) The existing PERL prohibits, with specified exceptions, employment of a PERS retiree by the state, a school employer, or a contracting agency unless the person is reinstated in PERS, and makes persons employed in violation thereof and public officers who knowingly employ or appoint him or her jointly and severally liable for reimbursing the employer for any compensation paid in that employment

This bill would delete the liability provision, and, instead, would require such a retiree to reimburse the retirement system for any retirement allowance received during any period or periods of illegal employment, require both the retiree and the employer to pay the system, respectively, employee and employer contributions for those periods, plus interest and contributions toward resulting administrative expenses to the extent they are determined by the executive officer to be at fault, and require the reemployed retiree to be reinstated to membership in the category in which, and on the date on which, the unlawful employment occurred.

(3) This bill would also appropriate $10,000 from the Public Employees' Retirement Fund to the system for the purpose of informing annuitants and employers regarding item (2) above.

Ch. 1002 (SB 372) Bergeson. Development fees.

(1) Existing law requires local agency fees for improvements for residential development to be segregated in a separate capital facilities account or fund and, with a specified exception, to be expended together with earned interest solely for the purpose for which

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

collected.

This bill would impose a state-mandated local program by expanding the above requirement to include fees imposed for improvements for any type of project undertaken for the purpose of development, and to include certain fees defined by AB 1600, if enacted The bill would require the fees to be deposited in a separate capital facilities account or fund The bill also would make findings of statewide interest and concern and preemption of conflicting local laws and would make a technical, nonsubstantive change.

(2) Under existing law, any person may request an audit in order to determine whether any fee or charge levied by a district exceeds the amount reasonably necessary to cover the cost of any product or service provided by the district If a person makes that request, existing law authorizes the board of directors of the district to retain an independent auditor to conduct an audit to determine whether the fee or charge is reasonable Existing law provides that any costs incurred by a district in having the audit, as described, conducted by an independent auditor may be recovered from the person who requests the audit.

This bill would extend these provisions to include other specified local agencies, including counties and both general law and charter cities. The bill would also make technical, nonsubstantive changes.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 1003 (SB 379) Presley Civil actions.

(1) Existing law authorizes the court to order a party, the party's attorney, or both, to pay reasonable expenses, including attorney's fees, incurred by another party as the result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay.

This bill would provide that the signature of an attorney or party constitutes a certificate that the person has read the pleading, motion, or paper, and that it is well grounded and not interposed for an improper purpose It would provide that if the paper is not signed it shall be stricken if not promptly signed. If a pleading is signed in violation of the above provisions, the court would, upon motion or its own initiative and after an opportunity to be heard, impose sanctions.

(2) Under existing law, in the absence of some special circumstance, such as a contractual agreement or specific statutory provision to the contrary, each party to a legal dispute is to bear the burden of his or her own attorney's fees. There are numerous statutes regarding lawsuits on specific substantive issues which require or authorize a court to award attorney's fees to one party at the expense of another party

This bill would provide that if a party makes a specified settlement offer that is not accepted and the party not accepting the offer fails to obtain a more favorable offer, the party making the offer could, in the court's discretion, be awarded reasonable attorney's fees for services after the date of the offer, as specified.

(3) The bill would apply only in Riverside and San Bernardino Counties. It would require the Judicial Council to assess the impact of the bill upon court congestion, as specified, and to report to the Legislature on or before January 1, 1991.

(4) The provisions of the bill other than those relating to the Judicial Council would remain in effect until January 1, 1991, when they would be repealed.

Ch. 1004 (SB 380) Watson. Mental health: advisory boards.

Under existing law, each state hospital under the jurisdiction of the State Department of Mental Health is required to have a 7-member hospital advisory board of specified

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

composition, including 2 relatives of persons who, at the time of the appointment, are patients in that hospital.

This bill would instead require an 8-member board, and one member to have been a patient in a state mental hospital and 2 members to be the parents, spouse, siblings, or adult children of persons who are or have been patients in a state mental hospital.

Under the Short-Doyle Act, each community mental health service is required to have an advisory board of specified composition, including at least half of the members representative of the public interest to be persons or parents, spouse, sibling, or adult children of persons who have received mental health services. At least one member is required to be a person who has received or is receiving mental health services.

This bill would instead require not less than 6 of the members representing the public interest in counties with 100,000 or more population to be persons or the parents, spouses, siblings, or adult children of persons who are receiving or have received mental health services This bill would also provide that of these members at least 2 must be persons who are receiving or have received mental health services and at least 2 must be parents, spouse, sibling, or adult children of persons receiving, or who have received, mental health services. This bill would require counties under 100,000 population to have at least one person on the local advisory board who is receiving or has received mental health services.

Under existing law, there is a California Council on Mental Health to advise the Director of Mental Health in carrying out the Short-Doyle Act. The composition of the board is required to include 4 consumers or the parent, spouse, or adult offspring of persons who have received mental health services. Existing law specifies that certain appointments to the council cannot be consumers.

This bill, instead, would require that 2 members be persons receiving or who have received mental health services and that 2 be the parents, spouse, sibling, or adult children of persons receiving, or who have received, mental health services The bill would delete the provision that the certain appointments to the council cannot be consumers

The bill would include among the members of the public who may be appointed by the Governor to the California Council on Mental Health, the spouse or sibling of persons receiving or who have received mental health services

This bill would also require the department to make a report to the Legislature on the effects of changing the structure of these boards and the council, as specified.

Ch. 1005 (SB 381) Kopp. Crimes commission while in custody

Under existing law, there are no provisions which require the state summary criminal history record of an offender to include information related to the "in custody" status of the offender when an offense was committed while in custody.

This bill would provide that any person who commits any public offense while in custody in any local detention facility, as defined, or any state prison is guilty of a crime which shall be punished as provided for by the specific public offense committed.

This bill would provide that for purposes of maintaining criminal records relating to public offenses committed while a person is in custody in a local detention facility or a state prison, the state summary criminal history record shall include the section number of the public offense violated and information related to the "in custody" status of that person

This bill would impose a state-mandated local program by requiring local agencies to report arrests for public offenses committed by a person while in custody in a local detention facility or a state prison to the Department of Justice for inclusion in the person's state summary criminal history record This bill would require these reports to include the public offense committed and a reference indicating that the offense occurred while the person was in custody.

The California Constitution requires 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

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

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

Ch. 1006 (SB 402) Presley. Second degree murder.

Under existing law enacted by initiative, the penalty for second degree murder is imprisonment in the state prison for 15 years to life. Worktime or good behavior credits apply to reduce a minimum term of 15 years, but a person may not otherwise be released on parole prior to that time.

This bill would increase the penalty for second degree murder to imprisonment in the state prison for 25 years to life where the victim was a peace officer, as defined, who was engaged in the performance of his or her duties and the defendant knew or reasonably should have known that the victim was such a peace officer engaged in the performance of his or her duties. In addition, worktime or good behavior credits would not reduce such a minimum term of 25 years, and the defendant could not be released prior to serving 25 years.

The bill would also provide that it amends an initiative statute and shall become effective when approved by the electors.

Ch 1007 (SB 465) Mello. Senior Companion Program

Existing law requires the Department of Aging to enter into a memorandum of agreement with the federal ACTION agency on establishing and expanding the Senior Companion Program in accordance with federal standards, as specified. The program provides volunteer community service opportunities to low-income senior adults (age 60 or over) for adults with specified special needs, in accordance with federal law, as specified. The program allows low-income senior adults to provide care and support to adults with special needs, as specified, and requires each senior companion to participate 4 hours a day, 5 days a week, but does not allow those persons receiving in-home supportive services to be assigned senior companions.

Existing law provides that the provisions enacting the Senior Companion Program shall remain in effect only until January 1, 1988, and as of that date shall be repealed

This bill would make the Senior Companion Program permanent by repealing its repeal date, and would make it operative to the extent funds are appropriated for those purposes.

Ch. 1008 (SB 466) Mello. Department of Aging: housing

Under existing law, there is established a Department of Aging.

This bill would require the department to ensure that all appropriate local, state, or federal housing information which it receives be disseminated to the department's aging service network on a timely basis. It would require the Department of Housing and Community Development to provide to the department copies of each of its publications which contain information on housing options for seniors.

Ch. 1009 (SB 475) Beverly. Workers' compensation insurance. participating policies and illegally uninsured employers.

Existing law prohibits a workers' compensation insurer from making a refund to policyholders by reason of a participating provision in a policy except from the surplus accumulated from premiums on workers' compensation policies issued pursuant to the laws of this state.

This bill would prohibit an insurer from using any plan for the payment of dividends to policyholders by reason of a participating provision in a policy which is unfairly discriminatory. It would require every workers' compensation insurer to file annually information relating to dividend payments with the rating organization designated by the Insurance Commissioner This bill would require the commission to prescribe premium size and loss ratio categories for which certain information would be required to be furnished by the insurer in the annual report It would provide that the information submitted by individual companies be confidential and not subject to public disclosure.

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

Ch. 1010 (SB 481) Russell. Redevelopment: payment for public improvements.

Existing law authorizes redevelopment agencies, with consent of the city's or county's legislative body, to pay the cost of public improvements and land therefor if the improvements benefit the redevelopment project, its immediate neighborhood, or, in certain cases, an adjacent redevelopment project and there is no other reasonable means of financing.

This bill would validate such a reimbursement agreement dated July 7, 1986, including amendments thereto adopted on or before July 13, 1987, entered into by a charter city in a county with a population over 4,000,000 if the city meets prescribed additional criteria and elects to have the bill apply to it. The bill would expressly permit enforcement or amendment of the agreement to provide for payment of interest, subject to certain limitations, if the commencement of reimbursement under the agreement is delayed more than 10 years beyond the date of execution of the agreement The bill would require first priority for use of reimbursements under the agreement to be for the annual funding requirements of the city's fire and police retirement fund.

The bill would require a city electing to proceed under the bill to make additional annual contributions of moneys and income-producing assets to its fire and police retirement fund to satisfy its obligations to the retirement fund Assets so transferred would revert to the city upon satisfaction of this obligation. The bill would also contain provisions (1) making certain provisions of the reimbursement agreement supersede specified statutory low- and moderate-income housing obligations of the redevelopment agency, (2) precluding the county auditor or other officer allocating redevelopment revenues from disputing the amount of tax revenues to be allocated to the redevelopment agency on account of such an agreement, and (3) making the city's election to provide under this bill irrevocable.

The bill would declare that it is consistent with Article XIII B and Section 16 of Article XVI of the California Constitution.

The bill would also allocate, to defined school entities affected by allocations of tax revenues under the reimbursement agreement, a prescribed portion of property tax revenues produced by property in the redevelopment project after all indebtedness of the project is repaid. The total amount of these allocations would be equal to property taxes the school entities lose because of the reimbursement agreement in the years 2006 to 2014, inclusive, plus 7% interest. Because this reallocation of property taxes would require a different calculation of taxes by the county auditor, the bill would impose a state-mandated local program. The bill would authorize the county auditor to assess the city for and would require the city to pay the county auditor, the actual costs of making the reallocations and payment of these property taxes.

The California Constitution requires 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. 1011 (SB 486) Mello. Public finance.

Existing law permits the financing of public facilities by local agencies through the operation of integrated financial districts where the local agencies have authority to use specified financing acts.

This bill would revise the definition of district for the purposes of those provisions. This bill would expressly permit the legislative bodies of 2 or more local agencies to enter into a joint public facilities financing agreement or into a joint exercise of powers agreement if each entity adopts a resolution declaring that a joint agreement would be beneficial to the residents of that entity.

Existing law requires that proceedings to create an integrated financing district, which will include a noncontingent levy made pursuant to a financing act, be instituted by the local agency by including in the resolution of intention to create the district specified statements and descriptions.

This bill would, instead, require that proceedings to create an integrated financing district be instituted by the local agency adopting a resolution of intention to create the

---

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

integrated financing district which would be required to include all of the statements and descriptions and would authorize the resolution to be combined with any similar resolution.

Existing law requires that any protest pertaining to an assessment made pursuant to a financing act be heard and have the force and effect provided in the financing act.

This bill would so provide for any protest pertaining to a levy, rather than an assessment.

Under existing law, the board of supervisors of a county, or the same body acting as the governing board of a special district whose affairs and finances are under its supervision and control, is required to meet on or before August 20 of each year for not to exceed a total of 10 calendar days regarding the final budget.

This bill, notwithstanding those provisions, would extend the date for commencement of the hearing, for the 1987–88 fiscal year only, to September 11, 1987, and would require the hearings to be completed and the final budget to be adopted on or before September 21, 1987.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1012 (SB 514) Hart Education: educational technology.

(1) Existing law requires the Superintendent of Public Instruction to establish 15 or more teacher education and computer centers in the state. Existing law requires each teacher education and computer center to be governed by a 12-member policy board whose duties include adopting a center budget and plan with the concurrence of the county office of education.

This bill would include recommending each expenditure of funds to the local educational agencies among the duties of the policy board This bill would impose a state-mandated local program by requiring the county office of education to notify the policy board in writing of any funds that will be expended for purposes that do not conform with approved local program plans and policy board recommendations, and the reasons for the proposed expenditures This bill would impose a state-mandated local program by requiring that the county office of education submit this notification to the policy board whenever its budget or work plan is changed, but in no instance less than 30 days in advance of the anticipated expenditure.

(2) Existing law establishes a 13-member Educational Technology Committee and prescribes its duties.

This bill would include advising the State Board of Education on the allocation of matching grants to school districts to support model staff development activities, as specified, among the duties of the committee

(3) Existing law provides that a school district is eligible to apply for an educational technology local assistance program matching grant for the use of educational technology in the district's program, the use of computers in the district's instructional programs, and certain reading, math, or science projects.

This bill, in addition, would provide that a school district shall be eligible to receive grants from the educational technology local assistance program to develop model programs for staff development or to disseminate these model programs to strengthen curriculum or improve instruction, 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 authorize and direct the Education Technology Committee to analyze the results of the California Postsecondary Education Commission study surveying specified staff development programs and to make recommendations to the State Board of Education, as specified

This bill would incorporate additional changes in Section 51875 of the Education Code, proposed by AB 2293, to be operative only if this bill and AB 2293, are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

This bill would provide that, if the Commission on State Mandates determines that this

---

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

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

Ch. 1013 (SB 515) Bergeson. Fire protection districts.

Existing law provides for the formation of fire protection districts, specifies the procedures for selection of the district board of directors, enumerates the board's duties and powers and specifies the methods for financing those districts, among other things.

This bill would repeal those provisions and enact new provisions governing the formation of fire protection districts, the selection, powers, and duties of the district board of directors, the financing of the districts and other related subjects. The bill would make other 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.

Since the bill imposes requirements which must be followed by counties and fire protection districts which are local agencies, the bill would create a state-mandated local program.

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

Ch. 1014 (SB 543) McCorquodale. Environmental license plates

(1) Existing law authorizes the Department of Motor Vehicles to provide environmental license plates to owners of registered vehicles upon payment of a specified fee which is deposited in the California Environmental License Plate Fund.

This bill would authorize the department to furnish a third license plate for display only when issuing any environmental license plates upon the payment of a $35 fee. The bill would prohibit the display license plate from being affixed to any vehicle, thereby imposing a state-mandated local program by creating a new crime. The revenues collected from the display plates would be deposited in the fund except that the Controller would be required to transfer to the Motor Vehicle Account in the State Transportation Fund the amount needed to reimburse the department for its administrative costs relating to the display plate. The bill would also appropriate $61,400 from the account to the department for purposes of implementing the bill.

The provisions of the bill would be repealed on January 1, 1992.

(2) This bill would incorporate additional changes in Section 40000 7 of the Vehicle Code, proposed by AB 1045, to be operative only if AB 1045 and this bill are both chaptered and become effective January 1, 1988, 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. 1015 (SB 601) 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 that transfer permanent, and would make conforming changes.

Under existing law, an Adult Day Health Care Committee is established in the Department of Aging, with specified members.

This bill would change that committee to the Long-Term Care Committee and would revise the membership and responsibilities of the committee.

The bill would also require the Health and Welfare Agency to develop a plan by July 1, 1988, for streamlining the certification and licensing process for adult day health care.

Ch. 1016 (SB 602) Bergeson. Postsecondary educational institutions need-based student grants.

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

(1) Existing law generally requires that applications for need-based student grants funded by the state or a public postsecondary educational institution be considered in light of the income of the applicant's parents, but prohibits consideration of this income if one of several requirements is met.

Existing law prohibits consideration of the parent's income if, among other exemptions, the applicant is (a) at least 30 years old, unless there is substantial evidence of parental support of the applicant, (b) at least 21 years of age and is a veteran discharged under honorable conditions after at least 2 years of active duty, except active duty for training, from the Armed Forces of the United States, unless there is substantial evidence of parental support of the applicant, or (c) a veteran who was discharged or released from the Armed Forces of the United States due to a service-connected disability regardless of age or length of time served. Existing law prohibits the consideration of the income of an applicant's noncustodial parent in the determination of an applicant's financial need if the applicant meets specified requirements.

This bill would repeal those provisions of law and would require that the definition in federal law is the definition to be used to determine the dependent and independent status of students seeking any state-funded financial assistance. These changes would create a state-mandated local program with respect to community college districts.

(2) Under existing law, the Student Aid Commission is authorized to adopt regulations that change specified provisions of law in order to conform with changes in the federal definition of student independence from parents for purposes of student financial assistance.

This bill would authorize the Student Aid Commission to develop and adopt regulations that modify the federal definition for establishing the dependent and independent status of students. The bill would require the commission to convene an advisory committee for recommendations for those regulations and adopt the regulations pursuant to prescribed procedures. Modifications by the commission would impose a state-mandated local program with respect to community college districts.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1017 (SB 631) Rogers Department of Rehabilitation awards program.

Under existing law, habilitation services are required to be provided by the Department of Rehabilitation for adults with developmental disabilities.

This bill would authorize the department to solicit contributions to establish and maintain an awards program, in which the Director of Rehabilitation may give awards to certain persons whose superior cooperation and contributions to the employment of the handicapped deserve special recognition

The bill would continuously appropriate the Public Awards Fund, created in the bill, for the awards.

Ch. 1018 (SB 633) Rogers. Airport land use commissions.

(1) Under existing law, each county in which there is an airport served by a scheduled airline and, with a specified exception, each county with an airport operated for the benefit of the general public, is required to establish an airport land use commission having a specified membership, including 2 members representing airports within the county, appointed as specified. Existing law permits, under specified conditions, another body to be designated to assume the planning responsibilities of the airport land use commission.

This bill would impose a state-mandated local program by requiring that, on and after

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

March 1, 1988, 2 members of a commission be persons having an expertise in aviation, as defined, rather than persons representing airports within the county The bill would also impose a similar requirement on the other designated bodies.

(2) Under existing law, each airport land use commission is required to adopt a comprehensive land use plan providing for the orderly growth of each public airport and the area surrounding the airport and is prohibited from amending the plan more often than once each calendar year.

This bill would retain that prohibition on the frequency of amendments, but would require the plan to be reviewed as often as necessary to accomplish its purposes

(3) Under existing law, a public agency may, pursuant to specified procedures, override an airport land use commission's action or recommendation affecting an airport within the jurisdiction of that public agency. Under existing law, until January 1, 1989, the operator of the airport, if other than the public agency, is immune from liability for property damage or personal injury resulting from the public agency's decision to override the commission's action or recommendation.

This bill would delete the termination date.

(4) Under existing law, there is no specified procedure for postponing or invalidating the land use decisions of local agencies in a county which has no airport land use commission or other designated body or in which the commission or other designated body has not adopted an airport land use plan

This bill would, in such a county, permit any interested party, as defined, to initiate judicial proceedings to postpone the effective date of a zoning change, zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency which directly affects the use of land within one mile of the boundary of an airport in the county until the governing body of the local agency either rescinds its action, adopts a resolution declaring that it has determined that the proposed action of the local agency is consistent with purposes specified in the bill, or amends its action to make it consistent.

(5) Under existing law, the general plan and any applicable specific plan of a city or county is required, until January 1, 1989, to be consistent with the airport land use plan

This bill would delete the January 1, 1989, termination date of this requirement

(6) Under existing law, various provisions relating to airport land use commissions terminate on January 1, 1989, and on that date are replaced by other provisions

This bill would delete the January 1, 1989, termination date of existing provisions and would make related changes by repealing specified provisions which would become operative on that date.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1019 (SB 656) B Greene Employment injuries and illnesses

(1) Existing law requires the Administrative Director of the Division of Industrial Accidents, in the case of injuries involving loss of time, to prescribe reasonable rules and regulations for the serving on the employee of reports dealing with payment or nonpayment of benefits and for termination of benefits

This bill would require the administrative director to, in addition, prescribe rules and regulations for the serving on the employee of notices dealing with delay in payment of temporary and permanent disability and death benefits and the provision of vocational rehabilitation services and for serving on the employee notice of rejection of any liability for compensation and the remedies available to the employee, and the employee's right to seek information. It would require, instead, that the rules and regulations for termination of benefits provide for employee notice of any change in the amount or type of benefits being provided.

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

(2) Existing law requires the administrative director to establish a program to provide information and assistance concerning the rights, benefits, and obligations of the workers' compensation law to employees and employers.

This bill would require the program to include the preparation and publishing of guides for employees and employers with certain information to be provided to all labor and employer organizations and to any other person upon request. It would also require the program to include the preparation, publishing, and as necessary, updating, of a pamphlet advising injured workers of their basic rights under workers' compensation to be provided to each injured worker at the time of 1st notice of payment or notice of delay in the payment of benefits.

(3) Existing workers' compensation law requires every employer to post and keep posted in a conspicuous location a notice for employees containing information about the employers' insurance and the employees' rights to receive care and benefits.

Existing law provides that the notice be in writing, but not in any particular form. Existing law makes an employer's failure to post a notice a misdemeanor.

This bill would require the administrative director to prescribe the form and content of the notice and would add other information to the notice. It would permit the administrative director to make the notice available to self-insured employers and insurers. It would require insurers to provide the notice to each of their policyholders. It would make an employer who fails to post the notice subject to civil penalties

(4) Existing workers' compensation law requires every employer to file with the insurer a complete report of every injury to each employee arising out of or in the course of employment.

This bill would change the time of filing of the report from within 5 days after the injury is reported to the employer to within 5 days after the employer obtains knowledge of the injury. It would require the report filed to be the original form prescribed for that purpose. It would make a conforming change.

(5) Existing law requires every physician who attends an injured employee and every employer of an employee with an occupational injury or illness to file a report with the Division of Labor Statistics and Research.

This bill would establish a time frame for the filing of the report. It would provide that the physician's report is not admissible as evidence to bar proceedings for the collection of compensation, and would provide that the portion of any physician's report completed by an employee is not admissible as evidence in any proceeding before the Workers' Compensation Appeals Board.

(6) Existing law makes it a misdemeanor for any person to fail to comply with certain reporting and recordkeeping requirements pertaining to occupational safety and health.

This bill would make these provisions applicable to an employer or physician, would delete the misdemeanor sanction, and instead make violation subject to civil penalties.

Ch. 1020 (SB 691) Watson. Child abuse.

Existing law requires certain specified categories of persons to report known or suspected instances of child abuse to child protective agencies, as specified.

This bill would make technical and clarifying changes with regard to those provisions.

Ch. 1021 (SB 736) Boatwright. Crimes: solicitation of murder.

Existing law provides that every person who solicits another to commit or join in the commission of murder is punishable by imprisonment in the state prison for 2, 4, or 6 years.

This bill would change the term of imprisonment for that offense to 3, 6, or 9 years.

Ch 1022 (SB 760) Royce Community care facilities

Existing law provides for the relinquishment of a child, voluntarily by the father or mother, or involuntarily, in certain circumstances, to a licensed adoption agency for the placement of the child in a home for adoption.

This bill would define an adoption agency, for those purposes, to mean any person, other than a parent, or entity engaged in the business of providing adoption services who performs specified functions relating to the care and placement of children, the assess-

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

ment of parents or child, or the supervision of adoptive placements.

Existing law contains provisions for the licensure and regulation of community care facilities, including foster family agencies, which are defined to include any individual or organization engaged in finding homes or other places for the placement of children for temporary or permanent care or adoption.

This bill would delete adoption services from the definition of foster family agency and would establish a separate category of adoption agency, as defined, which may, subject to licensure and regulation, provide adoption services.

Pursuant to existing law, the State Department of Social Services has authority to license community care facilities, as specified.

Existing law prohibits operation of an unlicensed community care facility, as defined.

Existing law requires the department to refer residents of unlicensed community care facilities to appropriate placement or protective service agencies when there is an immediate threat to clients' health and safety or when the facility will not cooperate with the licensing agency, as specified.

This bill would include within the definition of an unlicensed community care facility any unlicensed facility which is performing the functions of or holding itself out as a foster family agency or adoption agency

Under existing law, a licensed foster family home may, unless the license provides otherwise, place children in any licensed foster family home selected.

This bill would delete the limitation otherwise contained in the license and would authorize placement of a child by a licensed foster family home in either a certified family home or in a licensed foster family home.

The bill would prohibit a certified family home from being licensed concurrently as a foster family home or as another licensed residential facility.

Existing law requires 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.

This bill would exempt from that requirement any facility serving 6 or fewer clients.

Existing law requires the State Department of Health Services to reimburse certified homes providing services to meet the needs of children under the Aid to Families with Dependent Children-Foster Care program, and defines certified homes as family residences certified by a licensed foster family agency which provides foster parent services or finds places of placement for children for temporary or permanent care or adoption

This bill would instead provide for the reimbursement of certified family homes under the AFDC-FC program and would redefine foster family agency to exclude adoption as a purpose for which the agency may place children.

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.

This bill would revise the conditions which must be met for AFDC-FC eligibility under which a child is removed from custody of a parent or guardian.

Under existing law, in order to be eligible for aid under the AFDC-FC program, a child must be placed in one of several specified categories of home, including the home of a nonrelated legal guardian

This bill would include within the scope of eligible foster placements the home of a former guardian if the guardianship has been dismissed due to the child's attaining 18 years of age.

Ch. 1023 (SB 770) Beverly Judges' Retirement System minimum allowance reductions

The existing Judges' Retirement Law bases the amount of a retirement allowance on a percentage of the salary payable at the time the allowance falls due, to the incumbent judges in the retirees' former judicial office. The maximum percentages are: up to 40% for a person who becomes a judge before January 1, 1974, elects deferred retirement, and retires over age 65 with 8 or more years of credited service; 50% for a judge retiring for service over age 70 and for a judge retiring for disability over age 70; 65% for a judge retiring for service or disability under age 70 with less than 20 years of credited service,

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

75% for a judge retiring for service or disability under age 70 with 20 or more years of credited service, and up to 75% for a person who becomes a judge on or after January 1, 1974, elects deferred retirement, and retires prior to age 70 with 20 or more years of credited service.

This bill would prohibit the reduction of allowances payable to a retired member on the effective date of a reduction in judges' salaries, to less than the amount produced by multiplying the highest salary received while a judge by the percentage used to calculate the judge's original retirement allowance.

Ch. 1024 (SB 803) McCorquodale Local agency police and firefighters' pension funds

Existing statutes authorize local agencies to establish a relief and pension fund for either or both the police department and the fire department.

This bill would authorize, if all police or firefighter members or both agree thereto in writing, local agencies to provide to those members, in lieu of benefits provided from that fund, retirement benefits comparable to those provided by the Public Employees' Retirement Law to local safety members.

This bill would provide that any cost incurred by a local agency adopting the alternative benefits would be the responsibility of the agency because the adoption is optional.

Ch 1025 (SB 813) Bergeson Local governments expenditure limitations

Existing law establishes provisions for the implementation of Article XIII B of the California Constitution with respect to expenditure limitations by state and local jurisdictions. Formulas are established to determine the appropriations limit by the state and existing local jurisdictions for the fiscal years and for new cities incorporated after the enactment of Article XIII B.

Existing law requires school district budgets and community college district annual financial and budget reports to show proposed expenditures, estimated revenues, and comparisons with the last fiscal year

This bill would require those budgets and reports to include the appropriations limit and total annual appropriations subject to limitation in accordance with Article XIII B

Existing law provides that if a proposal for governmental change of organization or reorganization includes the incorporation of a city or the formation of a district, the local agency formation commission shall determine the amount of appropriations subject to limitation for the city or district in accordance with Article XIII B, and any resolution of the conducting authority ordering an incorporation or a formation subject to election shall provide for the establishment of that appropriations limitation. Existing law requires, with respect to a proposed county creation, that the County Formation Review Commission shall determine the appropriations limitation for the proposed county in accordance with Article XIII B.

This bill would provide that appropriations limitations determined pursuant to those provisions for cities, special districts, and counties incorporated or formed on or after January 1, 1988, shall be approved by the voters of the incorporation or formation elections.

The bill would require the Controller's annual reports of the financial transactions of cities, counties, and school districts to include their appropriations limitations and the total annual appropriations subject to limitation. The bill would require the resolution of adoption of the budget of each county to contain the county's appropriations limit and the total annual appropriations subject to limitation. By requiring the approval of voters of the appropriations limitations and by requiring counties to include the appropriations limit in their budget approval resolutions, this bill would impose a state-mandated local program.

The bill would further require that, if the legislative body of a city adopts an annual budget, the budget document include the appropriations limit and the total annual appropriations subject to limitation. This would impose a state-mandated local program upon cities in which the legislative body is required to adopt an annual budget as of the effective date of this bill.

This bill would incorporate additional changes in Section 42122 of the Education Code,

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

as proposed by AB 93 to be operative only if both bills are enacted and amend Section 42122 and this bill is enacted after AB 93.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 1026 (SB 856) Montoya. Schools: pupil extracurricular and cocurricular activities.

Existing law requires the governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, as a condition for the receipt of an inflation adjustment in its state apportionment, to establish a policy that would ensure, as a condition for participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive, as prescribed, satisfactory educational progress in the previous grading period

This bill would specify that "previous grading period," for this purpose, does not include any grading period in which the pupil was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work.

Ch. 1027 (SB 877) Garamendi. Off-highway vehicles

(1) Under the Off-Highway Motor Vehicle Recreation Act of 1982, that act will be repealed on January 1, 1988.

This bill would rename the act the Off-Highway Vehicle Recreation Act of 1988, would revise the findings and declarations of the Legislature regarding the act, would define the terms "conservation" and "rehabilitation," and would delay the repeal date of the act to January 1, 1993. The bill would require the Auditor General to do a program performance audit on the implementation of the act on or before January 1, 1991.

(2) Under the act, the Off-Highway Motor Vehicle Recreation Commission is composed of 7 members, with 3 appointed by the Governor, 2 by the Senate Committee on Rules, and 2 by the Speaker of the Assembly.

This bill would require commission members to represent specified groups.

(3) Under the act, the commission is responsible for considering adverse impacts on property in the vicinity of the State Vehicular Recreation Area and Trail System and to recommend adverse impact prevention measures to the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation.

This bill would also authorize the commission to recommend adverse impact rehabilitation measures to the division.

The bill would require the expenditure of money in the Off-Highway Vehicle Fund for repair of specified boundary fences broken or damaged by off-highway vehicle users.

(4) Under the act, the division is responsible for the planning, acquisition, development, construction, and conservation of lands for the system.

This bill would require the department to adopt soil loss standards, as specified, and habitat protection plans, as specified, and would require the division to carry out the standards adopted by the department and to monitor soils and wildlife habitat in off-highway vehicle areas by July 1, 1989. The bill would require the division to enforce laws regarding off-highway motor vehicles in areas funded by funds from the Off-Highway Vehicle Fund. The bill would authorize the division to enter into contracts and cooperative agreements with federal, state, and local agencies for law enforcement and to provide grants to cities, counties, and districts for enforcement of regulations and laws on off-highway vehicle use.

The bill would revise the standards governing establishment of state vehicular recreation areas. The bill would prohibit the establishment of new cultural or natural preserves

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

or state wildernesses within those areas, but would permit the department to designate sensitive areas within state vehicular recreation areas, subject to specified conditions, and would prescribe related matters. The bill would permit specified state vehicular recreation trails to be known as the California Statewide Motorized Trail. The bill would make other changes relating to off-highway motor vehicles.

(5) Under the act, moneys in the Off-Highway Vehicle Fund are available for appropriation for specified purposes, except that, with limited exceptions, no money in the fund may be encumbered for natural or cultural preserves or specified state wilderness areas.

This bill would revise the purposes for the use of fund moneys and include enforcement of laws and regulations regarding the use of off-highway vehicles within their purposes. The bill would delete the prohibition on encumbrance of money in the fund for natural or cultural preserves or specified state wilderness areas. The bill would require the division to protect preserve or wilderness lands from damage by erection of physical barriers to off-highway vehicle use

(6) Under existing law, the Conservation and Enforcement Services Account is a subaccount in the Motor Vehicle Fuel Account in the Transportation Tax Fund.

This bill would, instead, make the account an account in the Off-Highway Vehicle Fund. The bill would require an amount determined as specified to be deposited in the account each month

(7) Under existing law, the department is directed to protect the state park system from damage and preserve the peace therein, and the Director of Parks and Recreation may designate any officer or employee of the department a peace officer for the state park system.

This bill would extend that jurisdiction to the state vehicular recreation area and trail system

(8) Under existing law, the provisions relating to the Off-Highway Vehicle Fund are repealed on January 1, 1988.

This bill would delay the repeal of the provisions relating to the fund to January 1, 1993. Since money in the fund is continuously appropriated to the department for specified purposes relating to off-highway vehicles, the bill would make an appropriation.

(9) Under existing law, any person violating a prohibition on operating, transporting, or leaving standing any off-highway vehicle subject to identification registration which is not registered is guilty of an infraction punishable by a fine of not less than $25 for a 1st offense and not less than $50 for every subsequent offense.

This bill would make the violation of that prohibition punishable by a fine of not less than $50 for a 1st offense and not more than $250 for every subsequent offense.

(10) Under existing law, with specified exceptions, no person may use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as specified.

This bill would, except for vehicles with mufflers as specifed, prohibit the use, operation, or allowing to be used or operated, any off-highway motor vehicle, as defined, on any forest-covered land, brush-covered land, or grass-covered land unless the vehicle is equipped with a spark arrester, as specified, maintained in effective working order. Since violation of this prohibition would be an infraction, the bill would impose a state-mandated local program.

(11) The California Constitution requires 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 1028 (SB 897) Campbell. Legislative Analyst: reports.

(1) Existing law requires the Legislative Analyst to make the following reports to the Legislature:

(a) A review and comment on the utilization and effectiveness of the Small Facility Loan Guarantee for Developmental Disability Programs in the annual budget analysis

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

and in hearings.

(b) An annual review and evaluation of the programs and projects funded from the Energy and Resources Fund.

(c) A report reviewing existing law governing the taxation of timber and timberland, including recommendations for modifications in the law to provide that these properties bear an equitable and proportionate share of the local tax burden.

This bill would repeal these reporting requirements

(2) Existing law requires the Legislative Analyst to submit an annual report to the Legislature on the results of any investments made by the Board of Directors of the Southern California Rapid Transit District in futures contracts in heating oil, crude oil, or gasoline on the New York Mercantile Exchange

This bill would require instead that the annual fiscal audit of the district include a report on these investments.

(3) Existing law requires the Legislative Analyst to provide an annual analysis of the costs and benefits of tax exempt mortgage revenue financing programs of both state and local agencies.

This bill would require the Legislative Analyst to provide this analysis only as needed in the annual budget analysis.

(4) Existing law requires each law enforcement agency having traffic law enforcement responsibility to have a written policy for its officers to provide assistance to disabled motorists. The Legislative Analyst is required to report annually to the Legislature on the experiences of local law enforcement agencies under this program and on the effects of the program.

This bill would require the Legislative Analyst to make this report biennially using a representative sampling.

Ch 1029 (SB 952) Seymour. Student driver's license

Existing law authorizes specified public and private secondary schools to issue student licenses.

This bill would authorize the Department of Motor Vehicles to establish a program for the issuance of student licenses by licensed driving schools to persons 18 years of age or older. The bill would also require the department to transmit a report to the Legislature within 2 years after implementing the program, and would authorize the Director of Motor Vehicles to terminate the program upon a specified determination. The department, in consultation with the State Department of Education, would also be required to adopt regulations for the program.

Ch 1030 (SB 953) Seymour. Bonds.

This bill would authorize the state to issue refunding bonds for general obligation bond programs approved by the voters after the effective date of this bill, in a manner that allows for early redemptions and refundings.

The bill would make an appropriation by creating the Refunding Escrow Fund as a special fund in the State Treasury which would be continuously appropriated and into which would be deposited proceeds of the sale of refunding bonds.

The bill would require a bond act to contain the provision that the bond may be refunded as specified.

Ch. 1031 (SB 972) Seymour. Prepaid rental listing service: licensure

Under existing law, defined prepaid rental listing services are required to be licensed by the Real Estate Commissioner. The commissioner is authorized, under existing law, to require proof of honesty and truthfulness of applicants and certain other persons and is required in connection therewith to obtain fingerprints. Under existing law, the commissioner is also authorized to suspend or revoke such a license to operate at one or more locations for conviction of specified persons associated with the licensee of any crimes substantially related to the qualifications, functions, or duties of such a licensee.

This bill would authorize the commissioner to require proof of honesty and truthfulness, in connection with such an application for licensure, from all persons owning or controlling a 25% or greater beneficial ownership interest in the applicant, although the

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

fingerprinting requirement, except as specified by existing law, would not be applicable to these persons. The bill would also make these provisions, including the fingerprinting requirement, applicable to designated agents of the applicant and would authorize the commissioner to suspend or revoke a license to operate at one or more locations, upon conviction of such a person of a crime substantially related to the qualifications, functions, or duties of such a licensee. The bill would require the commissioner to, by regulation, make prepaid rental listing service licensees subject to specified licensure procedures that are applicable to real estate licensees.

Ch. 1032 (SB 1014) Robbins. Insurance

Existing law limits the situations in which credit in accounting and financial statements is allowed on account of reinsurance ceded to a nonadmitted insurer or to certain alien insurers. Among other instances, credit is allowed when a nonadmitted reinsurer maintains standards and meets financial requirements applicable to an admitted insurer, or when an alien insurer maintains standards and financial conditions comparable to those required of an admitted insurer.

This bill would also require in order for credit to be allowed on account of reinsurance in those cases that the reinsurer submit itself to the jurisdiction of state courts, or a court of competent jurisdiction in any state, and designate the Insurance Commissioner or an attorney in this state as its agent for service of process, as specified.

Ch. 1033 (SB 1020) Watson. Crimes: plastic bags.

(1) Existing law makes it a misdemeanor for retailers to use certain plastic bags as containers for products delivered to purchasers, except as specified, or to package articles delivered to customers, unless the bag displays a specified warning.

This bill would extend the above provisions to apply to all business establishments, and would eliminate a specified exception to the required warning.

This bill would also extend the provisions, after January 1, 1988, to the direct sale, delivery, or gift to any business establishment located in this state of such plastic bags by any manufacturer, supplier, or distributor, and would state the findings of the Legislature in this regard. The bill would impose a state-mandated local program by changing the definition of a crime.

The bill would provide that there shall be no cause of action prior to January 1, 1988, based on the amendments to Section 22200 of the Business and Professions Code made by this 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 provide that no reimbursement is required by this act for a specified reason.

Ch. 1034 (SB 1069) Beverly. Housing.

(1) Under existing law, the Department of Housing and Community Development is required to establish an annuity fund to provide payments to sponsors of specified rental housing receiving construction or mortgage financing from the department to ensure affordable rents to eligible households This fund has been established as an account in the Rental Housing Construction Fund.

This bill would authorize a transfer of up to $5,000,000 from this account to the Urban Predevelopment Loan Fund and the Rural Predevelopment Loan Fund, as directed by the department. The transfer would be an advance to be repaid, as specified, with interest at the rate of 7%. The bill would also provide that, where the public financing entity or other local agency is entitled to receive payments from this annuity fund, the department may agree with that entity or agency to make the payments directly to the project sponsor or its management agent for the rental housing development The bill would also revise certain requirements respecting affordability of certain rental housing units assisted with moneys from the Rental Housing Construction Fund pursuant to a contract between the department and a local public entity or housing authority.

(2) Under existing law, moneys in the Management Reserve Account in the Rental

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

Housing Construction Fund may be used by the department to defray certain cost increases, so as to preserve the affordability of assisted units.

This bill would, instead, permit these moneys to be used to make debt service payments or bid at a foreclosure sale in order to protect the department's security or regulatory interests.

(3) Since the Rental Housing Construction Fund is a continuously appropriated fund, this bill would constitute an appropriation measure

(4) Existing law requires members of the board of directors of the California Housing Finance Agency, when present at a meeting, to participate in deliberations even where the member has a financial interest, but requires prescribed disclosure and prohibits a board member from voting on any matter in which the board member has a financial interest. Existing law makes knowing or willful violation of these disclosure requirements a misdemeanor

This bill would prohibit agency board members from attempting to influence or participating in deliberations concerning any matter before the board for a decision in which the member has a financial interest This bill would impose a state-mandated local program by making any violation of the above disclosure requirements a misdemeanor.

(5) Under existing law, eligible agency employees who do not hold management or policymaking positions may participate in owner-occupied single-family financing and insurance programs operated by the agency, other than as an investor.

This bill would extend these provisions to include agency officers, board members, and other employees.

(6) Under existing law, the Governor appoints the chairperson of the agency board to serve for a term of 5 years.

This bill would require appointment of the chairperson from among sitting board members and would terminate the chairperson's term upon termination of his or her term on the agency board without reappointment, if this occurs prior to the expiration of 5 years as chairperson.

(7) Under existing law, agency boards are entitled to per diem compensation of $50 for each day of attendance at board meetings, not to exceed $300 per month

This bill would make an appropriation by increasing the per diem compensation of board members to $100, but would retain the $300 monthly maximum

(8) Under existing law, the agency's executive director may appoint a general counsel.

This bill would require the general counsel to serve as secretary of the agency board in addition to other duties.

(9) Under existing law, all property owned by the agency is exempt from property taxes and assessments, except housing developments

This bill would extend the exemption to housing developments owned by the agency.

(10) Existing law, with certain exceptions, requires deposits of agency moneys in financial institutions to be based on relative participation of the different types of financial institutions as qualified mortgage lenders for the agency.

This bill would delete that requirement and would authorize the agency to invest in obligations of financial institutions where permitted by other provisions of law and board resolution.

(11) Existing law, with certain exceptions, prohibits the agency from allowing assumption of its mortgage loans by persons not meeting the eligibility standards for the loan.

This bill would allow the agency to grant waivers of limited duration in cases of undue hardship where failure to meet the eligibility requirements resulted from factors beyond the mortgagor's control.

(12) Existing law requires the agency to adopt regulations assuring that its lenders do not substitute agency funds for the lender's own resources

This bill would require the agency to accomplish this objective, but would delete the express requirement for adoption of regulations

(13) Existing law authorizes the agency to insure or guarantee its obligations secured by mortgages on single-unit housing developments.

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

This bill would extend this authorization to include obligations of the agency secured by other types of housing developments and residential structures.

(14) Existing law authorizing the agency to make loans to lenders requires that agreements therefor recite requirements for loans for residential structures

This bill would require these agreements to specify the requirements for mortgage loans and construction loans made with these moneys

(15) Under existing law, the agency is required to establish and revise prescribed rent schedules for low- and moderate-income residents of rental and cooperative housing developments financed by the agency.

This bill would limit this requirement to lower income households and very low income households.

(16) Existing law requires multifamily rental housing financed by the agency to be subject to prescribed covenants and restrictions respecting occupancy by lower income households

This bill would give a mortgage instrument encumbering such a development priority over any covenant, condition, restriction, or other limitation or agreement imposed as a condition of qualifying for permits, approvals, or financial assistance. The bill would, however, permit the agency to require subordination of the mortgage loan to its regulatory agreement, as specified.

(17) The bill would delete various obsolete provisions and make technical, nonsubstantive, and clarifying changes.

(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 1035 (SB 1093) Campbell. State investments: credit unions.

Under existing law, all money in the State Treasury under the control of the Treasurer belonging to or in the custody of the state, is required to be, so far as possible, deposited by the Treasurer to the credit of the state in eligible banks and savings and loan associations.

This bill would define eligible savings and loan associations, and would authorize those deposits to also be made into a state or federal credit union insured by the National Credit Union Administration.

Ch 1036 (SB 1141) L. Greene. Public social services.

No provision of existing law requires county welfare departments to provide persons with receipts for documents submitted to the department.

This bill would require county welfare departments to provide, upon the applicant's or recipient's request, a written receipt to any applicant or recipient of AFDC, Food Stamp program, and Medi-Cal benefits who delivers a document which has been requested by the county welfare department and the document has been delivered in person to a county employee other than the regularly assigned caseworker. The bill would also require county welfare departments to post a notice of an applicant's or recipient's right to a written receipt. The bill would thus contain a state-mandated local program.

This bill would also require the State Department of Social Services to develop a standard form for a receipt.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

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

Ch. 1037 (SB 1151) Mello. School facilities fees. agricultural development.

Existing law grants the authority to school district governing boards to impose certain fees or other requirements for school construction or reconstruction purposes against commercial, industrial, or residential development projects, subject to specified limits.

Existing law places certain restrictions on the amount of the developer fee or other charge levied by a school district, including a monetary limit based on the square footage of covered or enclosed space and the requirement that, as to commercial or industrial development, the governing board finds the amount of the fee or other charge to be reasonable, as specified.

This bill would additionally require findings of reasonableness of the fee or other charge, as specified, as to certain agricultural space, and would prohibit the imposition of the fee or other charge in that event where certain findings result.

Ch. 1038 (SB 1166) Marks. Alzheimer's disease.

Under the Knox-Keene Health Care Service Plan Act of 1975, health care service plans, as defined, are regulated by the Department of Corporations.

Under existing law, disability insurers, self-insured employee welfare benefit plans, and nonprofit hospital service plans are regulated by the Insurance Commissioner.

This bill would require that, except for a preexisting condition, every health care service plan, except a specialized health care service plan, every disability insurer issuing policies of individual or group disability insurance, every self-insured employee welfare benefit plan offering group coverage, and every nonprofit hospital services plan that covers hospital, medical and surgical expenses on a group or individual basis, that offers group or individual coverage for long-term care facility services or home-based care, shall not exclude persons covered by the plan from receiving these benefits, if they are diagnosed as having any significant destruction of brain tissue with resultant loss of brain function, including Alzheimer's disease and other related dementing illnesses or "chronic brain disorder" from its coverage for long-term care facility services or home-based care

Ch. 1039 (SB 1196) Marks Elections.

(1) Existing law specifies the time periods for which various elections documents shall be retained by the elections official with whom they are filed before the documents are destroyed, including nomination documents, index of voters, affidavits of registration, initiative or referendum petitions, roster of voters, precinct board materials, ballot cards, and recall petitions

This bill would reorganize and consolidate the provisions applicable to the retention and destruction of documents by elections officials. It would impose a state-mandated local program by requiring the retention of specified documents pertaining to a federal election for a 22-month period, and pertaining to state or local elections for a 6-month period, before destruction.

(2) Existing law requires that a copy of each election computer vote count program for a statewide election or state special election to fill vacancies be deposited with the Secretary of State at least one week before the election, and that copies of subsequent alterations in the program be deposited in the same manner prior to the election.

This bill would repeal these provisions and add similar provisions to specify the time and day by which the computer vote count program or revision must be deposited.

This bill would permit the Secretary of State to seek injunctive relief to require the submission of the computer vote count program.

(3) Existing law specifies the procedure for the recall of state and judicial officials.

This bill would require that a recall petition contain a request, if the officer is a justice of the California Supreme Court or of a court of appeal, that the Governor appoint a successor to the office

(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

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

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1040 (SB 1234) Montoya Cosmetology

Existing law does not require the Board of Cosmetology to ascertain whether its licensees are employed in the branch of cosmetology for which they are licensed

This bill would require the board to modify its renewal applications to allow its licensees to so designate.

Ch 1041 (SB 1365) Seymour. Driving under the influence: treatment programs.

(1) Under existing law, a person convicted of driving under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving when addicted to any drug, and who has had a separate conviction within 7 years may, as a condition of probation, be referred by the court to a one-year treatment program for problem drinkers licensed by the State Department of Alcohol and Drug Programs If the person has 2 separate convictions within 7 years, the court is required to refer the person to the one-year program if probation is granted

This bill would provide for a 30-month program, which includes treatment services for chemical dependency and polydrug abuse, which may be ordered as a condition of probation if the person convicted of a misdemeanor offense has had 2 or more separate convictions within 7 years, and which is required to be ordered if probation is granted to a person convicted of a felony offense with 2 or more separate convictions within 7 years The bill would specify that treatment services include group counseling

The bill would, for persons convicted of a misdemeanor offense within 7 years of 2 or more other separate convictions, authorize the court to impose, as a condition of probation, that the person participate in the alternative program, as specified, for at least 30 months. Also, the bill would, for persons convicted of a felony offense within 7 years of 2 or more other separate convictions, require the court to impose, if probation is granted, that the person participate in the alternate program, as specified, for at least 30 months The bill would require the court to order that the 3rd and subsequent offender, ordered to participate in the 30-month program, be imprisoned for at least 30 days but not more than one year

The bill would specify program elements, authorize the department to establish criteria and procedures for determining a program participant's ability to pay, and make related changes.

(2) Chapter 247 of the Statutes of 1987 authorizes any judicial district in a county, by resolution of the board of supervisors, to develop, implement, operate, and administer an alcohol and drug problem assessment program, as specified

This bill would, instead, grant that authority to the county and would allow a judicial district within the county to elect not to participate in the program. The bill would make other conforming changes.

(3) The bill would require the department to evaluate the 30-month treatment program, including specified matters, and to report on its evaluation to the Legislature on or before January 1, 1993

Ch. 1042 (SB 1440) Doolittle. Subdivided lands· public report.

Existing law requires the Real Estate Commissioner to review applications of intentions to offer subdivided lands. Upon a determination by the commissioner that the notice and application are substantially complete, the commissioner is required to notify the applicant, provide a listing of deficiencies and substantive inadequacies, and issue a public report, as specified.

This bill would reduce certain time periods concerning those requirements and would recast and expand the commissioner's notification responsibilities, as specified It would also authorize the commissioner to adopt emergency regulations extending the time

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

periods which would be reduced by this bill, as specified.

Ch. 1043 (SB 1488) Robbins. Automobile Sales Finance Act.

Existing law, the Automobile Sales Finance Act, provides that no conditional sale contract, and no agreement between a seller and a buyer made in connection with a conditional sale contract, may provide for the inclusion of title to, or a lien upon, any property other than, among other things, the motor vehicle which is the subject matter of the sale, or accessories, accessions, replacements, or proceeds thereof.

This bill would prohibit the inclusion of title to, or a lien upon, any property other than the motor vehicle which is the subject matter of the sale, including any replacement of that motor vehicle, or accessories, accessions, or replacement of those accessories or accessions, or proceeds thereof.

Ch. 1044 (SB 1620) Hart. Healing art practitioners: suspension: reports.

Existing law requires the chief executive officer of certain health facilities, health care professional societies, medical specialty societies, health care service plans, and medical care foundations to report to the appropriate licensing authority when specified licensed healing art practitioners have been denied staff privileges, been removed from the medical staff, or had their staff or membership privileges restricted for a cumulative total of 45 days in any calendar year for any medical disciplinary cause or reason. Existing law requires the reports to be made within 20 working days following the removal or restriction. The failure to make the report as required is a misdemeanor.

This bill would recast and revise those provisions by requiring the chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body, as defined, to file a report containing specified information with the appropriate licensing authority when the staff privileges, membership, or employment of a licentiate, as defined, has been terminated, revoked, or restricted, or when a licentiate's application for staff privileges or membership has been denied or rejected, for a medical disciplinary cause or reason, as defined, as determined by the peer review body. The bill would require that a report be made within 30 days following the date upon which the action becomes effective, and a supplemental report to be filed within 30 days following the date the licentiate is deemed to have satisfied any terms, conditions, or sanctions imposed as disciplinary action by the reporting peer review body. The bill also would require a report of a resignation or voluntary acceptance of restriction, as prescribed, and would require a report to be made in the event of a summary suspension for more than 14 days duration, thereby imposing a state-mandated local program by expanding the scope of an existing crime.

The bill would also require a peer review body to give the subject of a report a copy of the report and a notice of his or her right to submit additional information, 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. 1045 (AB 1679) Johnston. Financial institutions.

Existing law prohibits the extension of benefits or services of a credit union either directly or indirectly to any person not a credit union member. However, credit unions are authorized to engage in joint service programs or business relationships where an incidental benefit accrues to third parties.

This bill would delete reference to the term "direct or indirect" with repect to the extension of benefits or services.

Existing law requires that funds received by a credit union in trust for pension plans or deferred compensation plans be invested in share accounts or share certificate accounts of the credit union.

This bill would instead only require that those funds to be invested with the care, skill, prudence, and diligence that a prudent person acting in like capacity would use, as

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

specified. The bill would also revise certain notice requirements with respect to solicited proxies, as specified.

The bill would also require the commissioner to ratably return to a credit union which is converting to a federal charter any charges and assessments, as specified

Existing law, the California Multiple-Party Accounts Law, which governs multiple-party accounts, involving credit unions and industrial loan companies, defines a trust account, as specified.

This bill would require, as a part of that definition, that the deposit agreement with the financial institution indicate the current address of any trust beneficiary

Ch. 1046 (SB 434) Maddy 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, reimbursement for any Medi-Cal county administrative costs are required to be made subject to the requirements specified in the county administrative cost control plan. Also, the State Department of Health Services may not allocate state general funds from nonapproved Medi-Cal applications which exceed a specified level That level is calculated by multiplying the approved applications by the weighted average of the ratios of nonapproved applications to approved applications processed by the county during the 1979–80, 1980–81, and 1981–82 fiscal years

This bill, instead, for applications taken by the counties on or after July 1, 1987, would require the level to be calculated by multiplying approved applications by the ratio of nonapproved applications to approved applications processed by the county during a specified base period

Ch. 1047 (AB 2310) N. Waters. Transportation reports

Existing law requires operators receiving local transportation funds under the Mills-Alquist-Deddeh Act to prepare and submit annual reports to the Controller and to transportation planning agencies within 90 days of the end of the fiscal year Existing law also requires a city and county to file an annual street and road expenditure report with the Controller on or before October 1 of each year for the preceding fiscal year ending June 30

This bill would authorize the City of South Lake Tahoe to select, on a one-time basis, and use a fiscal year other than one ending on June 30 if it sends a written notice to the Controller and the Secretary of the Business, Transportation and Housing Agency that it has selected a different fiscal year.

The bill would state legislative findings and declarations regarding the special statute.

Ch 1048 (AB 575) Kelley Agricultural product standards· violations· milk producers: fees.

(1) Existing law prohibits any person from moving any honey to which a warning is affixed except under permit from an enforcing officer or under the officer's direction, from refusing to submit any honey to the inspection of an enforcing officer, or from refusing to stop any vehicle which contains honey for inspection Violation of these prohibitions is a misdemeanor punishable by a fine of not less than $20 nor more than $1,000 or by imprisonment for not more than 6 months, or by both

This bill would instead punish a violation of these prohibitions by a fine of not less than $100 nor more than $3,000 or by imprisonment for not more than 6 months, or by both

(2) Under existing law, any violation of laws relating to the marketing of honey are punishable as misdemeanors by a fine of not less than $20 nor more than $1,000 or by imprisonment for not more than 6 months, or by both

This bill would instead make a violation of these provisions, unless otherwise specified as in (1) above, an infraction punishable by a fine of not more than $500 for the first offense A second or subsequent offense within a 12-month period would be punishable as a misdemeanor by a fine of not less than $100 nor more than $1,000 or by imprisonment for not more than 6 months, or by both

(3) Existing law relating to fruits, nuts, or vegetable standards prohibits any person from removing or disposing of fruits, nuts, or vegetables to which a warning has been

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

affixed or from removing the warning except under a permit from an enforcing officer or under the officer's direction, from refusing to submit the item to the inspection of an enforcing officer, or from refusing to stop any vehicle which contains fruits, nuts, or vegetables for inspection. Violation of these prohibitions is a misdemeanor punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment for not more than 6 months, or by both.

This bill would instead punish a violation of these prohibitions by a fine of not less than $100 nor more than $3,000 or by imprisonment for not more than 6 months, or by both.

(4) Under existing law, any violation of laws relating to fruits, nuts, or vegetable standards are punishable as misdemeanors by a fine of not less than $100 nor more than $1,000 or by imprisonment for not more than 6 months, or by both.

This bill would instead make a violation of these provisions, unless otherwise specified as in (3) above, an infraction punishable by a fine of not more than $500 for the first offense. A second or subsequent offense would be punishable as a misdemeanor by a fine of not less than $100 nor more than $1,000 or by imprisonment for not more than 6 months, or by both.

(5) Under the Marketing Act of 1937, assessments are levied against milk producers to support various marketing programs.

This bill would provide for a refund of those assessments in the case of milk shipped during a specified period for which the producer was not paid or received only partial payment.

(6) Under the Dairy Council of California Law, producers of milk are required to pay fees to support activities of the dairy council.

This bill would provide for a refund of those fees in the case of milk shipped during a specified period for which the producer was not paid or received only partial payment.

Ch. 1049 (AB 689) Campbell. Hazardous waste and materials: transportation

(1) Existing law requires that hazardous materials and hazardous waste be transported on state or interstate highways, except as specified. Existing law authorizes the Department of the California Highway Patrol, after consultation with the 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 or hazardous materials if specified requirements are met, including that the highway is less safe than a reasonable alternative highway, as determined using specified federal guidelines

This bill would revise that requirement to additionally authorize the department or a city or county to determine that the highway is appreciably less safe if the highway is located within a watershed of a drinking water reservoir which is owned and operated by a municipal utility district, meets other specified requirements, and is located within 500 feet of the highway.

Ch 1050 (AB 696) Johnson. Transportation districts: Orange County.

Existing law establishes State Transportation District 12 consisting of the County of Orange, but provides that a separate district organization, staff, or facilities is not required to be established in that county.

This bill would require that District 12 have a separate district organization, staff, and facilities in Orange County, and would appropriate $4,100,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation for that purpose and for an independent audit of the costs related thereto.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1051 (AB 752) Johnston. Unemployment insurance· Employment Training Fund.

Existing law permits the Employment Training Panel to enter into contracts with any employer or any group of employers acting jointly or any training agency for the purpose of providing employment training.

This bill would also permit the panel to enter into contracts with private industry councils and grant recipients or specified administrative entities, provided the contracts are consistent with policies established by the panel and are approved by the panel.

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

Ch. 1052 (AB 759) Costa. California water and irrigation districts: charges.

(1) Under existing law, irrigation districts may levy assessments and fix and collect charges for services.

This bill would authorize irrigation districts to provide by rule that any charges fixed for services pursuant to specified provisions may, when delinquent, be collected by specified procedures.

(2) Under the California Water District Law, the directors of water districts are required to be holders of title to land.

This bill would, within the Angiola Water District only, authorize officers, employees, and legal representatives of holders of title to land, and other specified persons, to be directors.

(3) Under that law, water districts are authorized to levy, collect, and enforce assessments in accordance with prescribed procedures

This bill would include standby charges and other charges levied for the use of district water as assessments for purposes of the procedures applicable to the delinquency and sale of property for unpaid assessments The bill would also permit the district to elect to utilize specified alternative procedures which provide for the levy and collection of district assessments by the county, only for the collection and enforcement of delinquent assessments, including standby and other charges, in accordance with prescribed procedures.

Ch. 1053 (AB 794) Lancaster. Building standards.

(1) Existing law sets forth the procedures for the adoption, amendment, or repeal of regulations of state agencies and provides for the approval and publication of building standards adopted by state agencies

Under the State Building Standards Law, building standards, as defined, are required to be filed with the Secretary of State and published in the State Building Standards Code only after approval by the State Building Standards Commission (hereafter, the commission), and they are prohibited from being published in any other title of the California Administrative Code, except as provided by other provisions of law Prior to submission to the commission, building standards adopted by state agencies are required to be adopted in accordance with the Administrative Procedure Act. Existing law also provides that the commission shall determine if any regulation of a state agency is a building standard. The State Building Standards Code is required to be published, as defined, in bound editions triennially and supplements are required to be published annually Emergency supplements are required to be published when the commission determines it is necessary

If a regulation is determined to be a building standard, existing law provides that it becomes effective only upon its codification, as defined, in the triennial edition of the State Building Standards Code or one of its supplements.

This bill would revise, among others, the definitions of "adopt," "adoption," "approval," "building," "building standard," "code," "codification," "codify," and "emergency standard" for these purposes under the State Building Standards Law This bill would exclude manufactured homes, commercial coaches, and recreational vehicles from the definition of "building," and manufactured homes and special purpose commercial coaches from the definition of "building standard."

The bill would delete provisions requiring a specified review of building standards and regulations by the Office of Administrative Law, and would delete a requirement that the commission file printed copies of the code in the office of each county clerk or if the authority to accept filings has been delegated to the county librarian, in the office of the county librarian.

The bill would make various other clarifying or technical changes to that law, including amendments clarifying the prescribed terms of members of the commission.

(2) Under existing law, the commission is authorized to appoint panels to provide advice with regard to building standards, and the commission has specified regulatory authority over the adoption and publication of model building codes.

This bill would revise the specified membership of building standard advisory panels to include the affected general public, rather than the occupancies to be affected by the

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

proposed standards, as a category from which the commission may appoint, and would specifically require that all persons appointed be knowledgeable in the type of building standards in question, in addition to being qualified The bill would also revise the procedures concerning adoption and qualification of model building codes.

(3) Under existing law, the commission is required to give a 30-day notice of its hearings to persons who have requested notice in writing within the previous year.

This bill would, instead, require the commission to give a 15-day notice of its meetings to persons who have requested notice in writing.

(4) Existing law requires that emergency standards be acted upon by the commission within 30 days, and except for standards adopted by the Occupational Safety and Health Standards Board which are "substantially identical" to a federal standard promulgated under the federal Occupational Safety and Health Act of 1970, only when the adopting agency has made specified findings of emergency and complied with certain requirements of the Administrative Procedure Act.

This bill would revise the exception for these purposes to building standards adopted by the Occupational Safety and Health Standards Board which are "at least as effective as" the prescribed federal standards.

Ch. 1054 (AB 842) Stirling Work furlough programs

Existing law authorizes the work furlough administrator of a county, with the approval of the board of supervisors, to enter into a contract with appropriate public or nonprofit private agencies to provide a facility and certain services for inmates participating in a work furlough program

This bill would also allow the work furlough administrator of a county, with the approval of the board of supervisors to enter into contract with a private entity. The bill would also require all privately operated work furlough facilities and programs to be under the jurisdiction of, and subject to the terms of a contract entered into with, the work furlough administrator. It would require each contract to include a provision whereby the private agency or entity agrees to operate the facility in compliance with all appropriate state and local building, zoning, health, safety, and fire statutes, ordinances, and regulations and certain regulatory standards established by the Board of Corrections. It would require the private agency or entity to select and train its personnel in accordance with standards developed by the Board of Corrections for local correctional officers. It would provide for termination of a contract for failure to comply with the applicable laws and regulatory standards It would also require all private work furlough facilities and programs to be inspected biennially by the Board of Corrections unless the work furlough administrator requests an earlier inspection and would require the private agency or entity to pay a fee to the board commensurate with the costs of the inspection and a fee commensurate with the cost of the initial review of the facility.

This bill would also delete certain obsolete references to repealed provisions of law

Ch 1055 (AB 865) Eaves Water or sewage and waste service standby or availability charge and flood control assessments.

(1) Existing law authorizes a community services district to fix, on or before the first day of August in each calendar year, a water standby or availability charge not to exceed $10 per year for each acre of land, or $10 per year for each parcel of land of less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would increase that limit, in any community services district in San Bernardino County only, to $30 per year for each acre or $30 per year for a parcel less than an acre. The bill would make legislative findings as to the need for a special law

The bill would also authorize any community services district in San Bernardino County to fix, levy, and collect a sewage and waste service standby or availability charge in any of the alternate methods and in the same manner and under the same terms and conditions as are provided for a water standby or availability charge. The bill would make legislative findings as to the need for a special law.

(2) Under the San Bernardino County Flood Control Act, the San Bernardino County Flood Control District consists of all the territory within San Bernardino County and is

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

governed by the Board of Supervisors of San Bernardino County.

This bill would authorize the district to levy assessments to pay the costs of district works and improvements and specified costs incurred in connection with the local share of projects undertaken by the federal government or the state, based upon the benefit which each parcel of real property to be assessed will derive from the improvements to be constructed, maintained, operated, extended, or repaired. The bill would authorize the board of supervisors to establish one or more zones of benefit, and to levy different assessments within the zones.

The bill would authorize the district to sell bonds, to be paid from benefit assessments levied by the district, to finance needed flood control improvements or to finance the local share of the cost of any flood control improvements or projects undertaken by the federal government or the state, or both. The bill would permit assessments based on special benefits to be levied on the basis of proportionate storm water runoff subject to specified limitations. The bill would specify special procedures for the authorization of the bonds and related requirements. The bill would require abandonment of the proceedings if written protests are filed by the owners of more than 25% of the area of land in the area of benefit or in any proposed zone of benefit therein. The bill would require annual assessments to be levied upon each parcel to pay the principal of, and interest on, the bonds, as specified. The bill would prescribe related matters

The bill would permit bonds of the district to be sold at 95% of par value, would specify related matters, and would delete obsolete 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.

Ch. 1056 (AB 911) Costa. Crime

(1) Existing law authorizes the Director of General Services to let to the City of Chino specified real property, not to exceed 40 acres, which belongs to the state for the purposes of developing and maintaining a public park, as specified.

This bill would authorize the director to let up to 140 acres of such real property to the City of Chino, as specified. In addition, the bill would provide that the lease may be renewed upon its expiration for a term not to exceed 20 years.

(2) Existing law authorizes the lease-purchase financing of certain prisons Existing law provides that 45 days prior to marketing bonds for that purpose, the Department of Corrections shall notify specified committee chairpersons and vice chairpersons of the parameters of the proposed sale.

This bill would require the above-described notification to be made at least 20 days prior to marketing bonds, rather than 45 days prior to marketing bonds.

(3) Existing law authorizes the Director of Corrections, with regard to the Southern Maximum Security Complex, to modify the percentage of the inmate population employed by the Prison Industry Authority or participating in vocational training, and to use up to 50% of the cells to house special cases Under existing law, this provision would be repealed on January 1, 1989, as specified

This bill would authorize the director to use up to 100% of the cells of the above facility to house special cases. The bill would also eliminate the requirement that the provision be repealed on January 1, 1989.

(4) Existing law enumerates circumstances when the termination or dismissal of a criminal prosecution is or is not a bar to a subsequent prosecution

This bill would provide that where an offense is a violent felony, as defined, and the prosecution has had 2 prior dismissals, as defined, the people shall be permitted one additional opportunity to refile charges where either of the prior dismissals were due to excusable neglect, as defined. This bill would prohibit the additional refiling authorized by this bill where the conduct of the prosecution amounted to bad faith.

(5) Existing law requires that certain beds added at the California Institution for Men be phased out by October 1, 1987.

This bill would delete that requirement.

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

(6) Existing law requires that provisions of law exempting expansion of the Southern Maximum Security Complex and the California Correctional Center at Susanville from certain employment, training, and legislative approval requirements remain operative only until July 1, 1988.

This bill would extend the operation of those exemptions to July 1, 1989

(7) Existing law requires the Department of Corrections to perform site suitability studies, evaluate the feasibility of, and prepare an environmental impact report for a women's facility in Madera County

This bill would eliminate the requirement of evaluation of the feasibility of such a prison, and would make related changes. It would also authorize the construction of a 2,000-bed women's prison in Madera County

The bill also would authorize the State Public Works Board to issue revenue bonds, in an amount not to exceed $225,000,000 above the amount of bonds the board is authorized to issue for the financing of prison facilities by lease-purchase agreements under existing law, for the described prison in Madera County. The bill would also make a continuous appropriation to the State Public Works Board on behalf of the Department of Corrections for purposes of the prison facility

(8) Existing law requires the Department of Corrections to perform site suitability studies and evaluate the feasibility of constructing prisons in Imperial and western Kern Counties

This bill would eliminate the requirement of an evaluation of the feasibility of such prisons, would, instead, require the preparation of an environmental impact report, and would make related changes

(9) Existing law appropriates $500,000 from the 1986 Prison Construction Fund for the above-mentioned purposes related to a facility in Imperial County, and $500,000 from the 1986 Prison Construction Fund for the above-mentioned purposes related to a facility in western Kern County.

This bill would revise those appropriations to delete the references to feasibility studies and to permit uses for environmental impact reports.

This bill would provide that the environmental impact reports may be used to meet the requirements of the California Environmental Quality Act

(10) This bill would also authorize the Department of General Services to transfer to the City of Avenal, a fee interest in the real property upon which a certain waste water treatment plant is located. In addition, the bill would authorize the department to transfer any easements which may be necessary to allow the city to maintain and operate the treatment plant.

(11) The bill would also appropriate $155,089,000 to the Department of Corrections. Of that, $147,000,000 would be from the 1988 Prison Construction Act for a women's facility in Madera County, including the repayment of loans and the redemption of bonds, $6,347,000 would be from the 1986 Prison Construction Fund for certain studies, reports, and preliminary plans, and $1,742,000 would be from the 1986 Prison Construction Fund for specified projects in augmentation of designated items of the Budget Act of 1986.

(12) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1057 (AB 915) Bronzan California Medical Assistance Commission.

Existing law contains provisions establishing the California Medical Assistance Commission in the Governor's office, for the purpose of contracting with health care delivery systems for the provision of health care services to recipients under the California Medical Assistance Program

Existing law requires the commission to conduct a study to analyze the feasibility, costs, and benefits of offering multiple options for health benefit coverage negotiated and purchased by the state in lieu of fee-for-service Medi-Cal coverage to persons eligible for Medicare and Medi-Cal benefits, to report to the Governor and the Legislature on the study no later than April 1, 1987, and upon a determination by the commission that the arrangements are feasible and beneficial, to design a project in not more than 3 areas of the state. The commission would be prohibited from negotiating in any project area until startup funds are appropriated through the Budget Act

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

This bill would change the date on which the commission is required to report to the Legislature to October 1, 1987

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1058 (AB 1123) Zeltner. Emergency medical services.

(1) Existing law contains the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, which regulates the provision of emergency medical services by local agencies

The bill would eliminate various obsolete provisions relating to emergency medical services.

(2) Existing law vests authority for management of the scene of an accident with the appropriate law enforcement agency.

This bill specifies that these provisions do not supersede existing law establishing authority for patient care management in an emergency.

Ch 1059 (AB 1126) Bradley. Community colleges

Existing law governs the location of community colleges

This bill would, subject to existing law governing the review of proposals for new postsecondary educational programs, including proposals for new colleges or schools, by the California Postsecondary Education Commission, authorize a community college to build campus facilities on school, local government, or other public property not owned by the community college, if the community college obtains permission from the owner of the public property to do so.

Existing law provides comprehensive regulation of community college construction projects.

This bill would provide that construction of specified facilities on property that is leased from the federal government, the state, or any county, city and county, city, or district for the purpose of constructing school buildings and facilities thereon shall be eligible for state funding The bill would further provide that for any project that is constructed under these provisions, the term of the lease shall be of sufficient duration to completely amortize the cost of the project and the governing board of the community college district shall provide in the lease agreement a hold harmless clause satisfactory to the lessor. The bill would provide the method for determining the amortization and would require the district to pay the state for any unamortized state costs if the lease is terminated prior to amortizing the project.

This bill would incorporate additional changes in Section 81802 of the Education Code, proposed by SB 449, to be operative only if this bill and SB 449 are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

Ch. 1060 (AB 1265) Areias. Department of Transportation: property leases

Under existing law, the Department of Transportation is authorized to lease property held for future highway use.

This bill would authorize the department to lease specified property owned by it in the City of Los Angeles to public agencies or private entities under specified conditions.

Ch 1061 (AB 1325) Eastin State schools for the handicapped· lottery funds.

Existing law requires the Controller to make quarterly distributions of funds from the California State Lottery Education Fund to public school districts, county superintendents of schools, community college districts, the Board of Trustees of the California State University, the Regents of the University of California, the Board of Directors of the Hastings College of the Law, the California Maritime Academy Board of Governors, and the Department of the Youth Authority.

This bill, in addition, would require the Controller, effective July 1, 1988, to make quarterly distributions to the California Schools for the Deaf, the California School for the Blind, and the Diagnostic Schools for Neurologically Handicapped Children The bill would constitute an appropriation in that it would establish new purposes for a continuously appropriated fund.

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

Ch. 1062 (AB 1329) Eastin State property: lease to City of San Jose.

Under existing law, the Director of General Services may lease state property, with the consent of the affected state agency, under specified conditions.

This bill would authorize the director, with the consent of the State Department of Developmental Services to lease to the City of San Jose for the purpose of constructing and maintaining a fire station for a period not to exceed 75 years, 2 acres of real property located on the grounds of Agnew State Hospital.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1063 (AB 1515) Roos. Crimes.

Existing law authorizes a court or a judge, in making an order granting probation, to suspend the imposing or the execution of the sentence and to direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence, except as otherwise provided under current law, and upon those terms and conditions as it shall determine. Existing law authorizes the court, or the judge thereof, in the order granting probation and as a condition thereof, to imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the case, as specified.

Existing law authorizes the court in any case in which a defendant has been convicted of an offense and ordered to serve a period of confinement in a county jail, city jail, or other local detention facility, as a condition of probation or a conditional sentence, to pay all or part of the costs of that incarceration, as specified.

This bill would authorize a court or a judge, in making an order granting probation in any case in which a defendant is convicted of a violation of any local building standards adopted by a local entity, including, but not limited to, local health, fire, building, or safety ordinances or resolutions, in addition to any other orders, to order the defendant to be placed under house confinement, as defined, or to order the defendant, to serve both a term of imprisonment in the county jail and to be placed under house confinement. This bill would also authorize the court to order a defendant sentenced to house confinement pursuant to these provisions to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined if it has been determined that the defendant is able to pay these costs

Ch. 1064 (AB 1555) McClintock. Taxation· penalties

The existing laws governing the collection of the various state taxes and the enforcement of those taxes provide specified penalties and criminal sanctions for a variety of enumerated violations.

This bill would impose a state-mandated local program by making it a felony for any person to commit specified violations with intent to defeat or evade the determination of tax liability of $25,000 or more in any 12-month period, for the following state tax programs: the Sales and Use Tax Law, the Use Fuel Tax Law, the Cigarette Tax Law, the Energy Resources Surcharge Law, the Emergency Telephone Users Surcharge Law, and the Moore Universal Telephone Service 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. 1065 (AB 1589) Felando. Aquaculture.

(1) Existing law authorizes the Department of Fish and Game to assess a fee on persons growing aquaculture products on public lands and in public waters based on the price per pound of the products sold The fees may not exceed the commercial fish landing tax rates.

This bill would correct an erroneous section reference to those tax rates.

(2) Existing law prohibits the owner of an aquaculture facility from conducting aquaculture operations or culturing species unless registered with the department.

This bill would limit the species subject to this prohibition to approved species of

---

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

aquatic plants and animals.

The bill would also require specified owners of aquaculture facilities to pay a surcharge fee of $150 and would require registered aquaculturists to maintain certain records and make them available to the department. The bill would prescribe a delinquency penalty for failure to pay the surcharge fee.

The bill would also prescribe penalties and interest for late registration, as specified.

(3) Under existing provisions of law, a violation of the provisions in the bill would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime

(4) Existing law requires money received by the department to be deposited in the Fish and Game Preservation Fund, which is continuously appropriated for specified purposes.

This bill would, instead, require moneys collected by the department under provisions regulating aquaculture to be deposited in the Aquaculture Account, which would be created by the bill in that fund, and would make the money in the account, including fees and penalties under the bill, subject to appropriation by the Legislature in the annual Budget Bill to the department for the purposes of that division.

The bill would also require the department to provide, upon appropriation of funds therefor, one personnel year to provide an aquaculture coordinator to assist in the implementation of those provisions in addition to positions authorized in the Budget Act of 1987 and would change the requirement for an Aquaculture Development Section in the department to require, instead, an aquaculture development coordinator in the department

(5) The bill would declare findings of the Legislature relating to the bill.

(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 1066 (AB 1704) Peace Workers' compensation insurance. rating organizations

Existing law provides for the organization of a rating organization for specified purposes relative to workers' compensation insurance and employers liability insurance incidental thereto To obtain and retain a license as a rating organization, a rating organization must provide evidence to the Insurance Commissioner of compliance with specified requirements The State Compensation Insurance Fund is entitled, without election, to membership on the managing or governing committee and on the classification and rating committee thereof of a workers' compensation rating organization of which it is a member.

This bill would require the commissioner to appoint 2 public members to serve on the managing or governing committee of a rating organization.

The bill would require a rating organization to permit 2 public members, as specified, to serve on the managing or governing committee of the organization The rating organization would also be required to make available to an employer insured under a workers' compensation policy all policyholder information, as defined, contained in its records, upon request of the employer and after notice to the employer's insurer.

Ch 1067 (AB 1798) Costa. Transportation.

(1) Under existing law, $215,000,000 was appropriated by Chapter 1600 of the Statutes of 1985 to the Controller for allocation to counties and cities for street and highway maintenance and reconstruction A county or city receiving an allocation is required, until October 1, 1987, to expend a specified amount (its base year expenditure) for maintenance or reconstruction and is required, with certain exceptions, to expend its allocations within one year of the disbursement. If not, its gas tax allocation for the next fiscal year would be reduced unless it returns the allocation it received to the Controller by a specified time The requirement for withholding and reallocating to other counties and cities is postponed until September 1, 1987, if a city or county filed a written notice

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

with the Controller on or before October 1, 1986, declaring its inability to comply with the expenditure matching requirement.

This bill would allow a city or county with a population of 100,000 or less which filed that notice to elect to have its base year expenditure determined on the basis of its 1983–84 fiscal year expenditures.

The bill would exempt cities or counties with populations of 10,000 or less from the expenditure requirement, and would require the expenditure to be made by October 30, 1988, rather than within one year of disbursement.

The bill would allow a city or county to elect to expend a total of not less than twice its base year expenditure during the 2 years that it receives an allocation, and would allow 3 specified cities to expend a total of not less than 3 times their base year expenditure during the 2 years that they receive an allocation and the following fiscal year.

(2) Under existing law, if the sum received by a city or county under specified federal and state programs and expended for maintenance and reconstruction of its local street and highway system during the 1984–85 fiscal year, exceeds the sum it received from those sources in another fiscal year, its base year expenditure for the fiscal year is reduced by the difference between those sums.

This bill would include, within those specified federal and state funding sources, funds received pursuant to the federal Community Block Grant Program, the federal Revenue Sharing Program, and transit assistance funds from the Transportation Planning and Development Account.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1068 (AB 1826) Wright Crimes.

Existing law provides that any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 14 for the purpose of any lewd or lascivious act, as defined, or who causes, induces, or persuades a child under the age of 14 to engage in such an act with another person, is guilty of a felony.

This bill would revise the definition of this offense to make it applicable to conduct with a child under the age of 16.

Existing law provides that any person who willfully and lewdly commits any lewd and lascivious act upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or child, is guilty of a felony. Existing law provides that any person who commits any of the previously described acts by use of force, violence, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony. Existing law also proscribes pimping and pandering, as defined, as felonies.

This bill would provide that upon the conviction of any person for the above-described offenses the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed $5,000. This bill would require the court to consider any relevant factors, including, but not limited to, designated factors, in setting the amount of the fine authorized by this bill. This bill would require fines imposed and collected under these provisions to be deposited in the Victim-Witness Assistance Fund to be made available for specified child sexual exploitation and child sexual abuse victim counseling centers and specified prevention programs.

This bill would provide that if the court orders the fine to be imposed upon conviction for the above-described offenses, the actual administrative cost of collecting the fine, not to exceed 2% of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

Existing law provides that any person who is found guilty of committing designated sexual offenses who has been previously convicted of any of those offenses shall receive a 5-year sentence enhancement for each of those prior convictions, as specified. Existing law also provides for a 10-year enhancement, as specified, for each prior term served if a person has served 2 or more prison terms for such an offense

This bill would provide that, in addition to the 5-year and 10-year sentence enhancements authorized by these provisions, the court may impose a fine not to exceed $20,000

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

for anyone sentenced under these provisions This bill would require these fines to be deposited in the Victim-Witness Assistance Fund, as specified.

This bill would provide that if the court orders the fine to be imposed upon conviction for the above-described offenses, the actual administrative cost of collecting the fine, not to exceed 2% of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

Because the bill would require the transmission of the above-specified fines to the Victim-Witness Assistance Fund by county officials, 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 establish procedures for making that reimbursement

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

Ch. 1069 (AB 1947) Quackenbush. Social services.

(a) Under existing law, the State Department of Social Services licenses various care facilities under the California Community Care Facilities Act, the California Residential Care Facilities for the Elderly Act, and the California Child Day Care Facilities Act.

This bill would provide that failure of the applicant for a license under any of these acts to cooperate, as defined, with the licensing agency would result in the denial of the application.

(b) Under the California Community Care Facilities Act, and the California Residential Care Facilities for the Elderly Act, if an applicant for a license has previously been issued a license under the act affected, or had a clinic or health care facility license, and the prior license was revoked within the preceding 2 years, the department ceases review of the application until 2 years have elapsed from the revocation.

This bill would extend the list of kinds of facilities for which the applicant has previously been issued a license to include child day care facilities, including day care centers and family day care homes.

The bill would require the department, if the applicant had previously applied for a license under any of these provisions, the application was denied, and the denial was upheld after a hearing within the last year, to cease review of the application until one year after the decision upholding the denial.

(c) Under existing law, the department may suspend or revoke a license or special permit for a community care facility, facility for the elderly, or day care facility on specified grounds.

This bill would authorize the department to also deny an application for a license or a special permit for the facilities on those grounds.

(d) Under the existing California Residential Care Facilities for the Elderly Act, no one may operate a facility for the elderly without first obtaining and maintaining a valid license therefor

This bill would prohibit anyone from so doing without a current license or currently valid special permit therefor.

This bill would require an applicant or licensee to file his or her mailing address with the department, as specified.

This bill would provide that a violation of these provisions is an infraction punishable by a fine.

(e) Under the California Day Care Facilities Act, the department publishes and makes available lists covering all of these licensed facilities, except lists for small family day care homes, which the department protects by issuing the information only in specified circumstances

This bill would specifically authorize certain agencies and programs funded by the State Department of Education and county GAIN programs to have access to those lists. The bill would require the State Department of Social Services to adopt regulations relating to the confidentiality of this information and provide sanctions for the violation of those regulations.

(f) Under existing provisions on licensure of family day care homes for children, an

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

applicant for licensure is required to submit certain information.

This bill would specify that the applicant submit evidence satisfactory to the department of the ability of the applicant to comply with the general California Child Day Care Facilities Act provisions, including criminal record clearances of the applicant and all other persons residing in the home.

Ch. 1070 (AB 2090) Bates. State agencies: counties: advance payments.

(1) Under existing law, any specified state department or authority and a county, upon determining that an advance payment is essential for the effective implementation of a specified program, is authorized within certain parameters, to make an advance payment for services to be performed under any contract with a total annual contract amount of $200,000 or less to a community-based private nonprofit agency with which it has contracted pursuant to federal law and related state law. Existing law prohibits the granting of any advance payment if the total annual contract exceeds that amount without the prior approval of the Department of Finance.

This bill would increase the maximum contract amount to $400,000 which would be increased by 5%, as determined by the Department of Finance, commencing with 1989, and would include the Department of Economic Opportunity among the departments to which those provisions apply The bill would also authorize a county to make an advance payment pursuant to any applicable federal or state law.

(2) Under existing law, a county board of supervisors is authorized to, by ordinance, establish rules and regulations requiring the purchasing agent to obtain quotations by the use of formal and informal bids, in connection with the purchase of, among other things, materials and supplies.

Under existing law, counties are subject to requirements set forth in the Public Contract Code relating to contracting by local agencies.

This bill would authorize a county board of supervisors to authorize its purchasing agent to procure construction materials by the above process. The bill would exempt a county from the requirements of the Public Contract Code for the construction of a facility when the majority of labor utilized for the construction of the facility is provided by a regional opportunity program, for use by that program, and the land on which the facility is to be constructed is currently used by a county jail

Ch. 1071 (AB 2248) Hansen. Mental and developmental services.

State hospitals under the jurisdiction of the State Department of Developmental Services are authorized to manufacture supplies and materials under certain circumstances.

This bill would authorize these hospitals to also manufacture assisting devices which are for the benefit of individuals with disabilities who otherwise would not have access to those articles, under those circumstances.

Ch. 1072 (AB 2275) Frazee. Motor vehicle subleasing.

Existing penal provisions do not specifically restrict or prohibit the subleasing of motor vehicles.

This bill would make it a felony or a misdemeanor to sublease a motor vehicle, as defined, and would provide a civil cause of action for specified persons to obtain relief for any damage suffered which proximately resulted from an act of unlawful motor vehicle subleasing, including actual and punitive damages, equitable relief, and attorney's fees and costs for any lessor, lessee, or sublessee, as specified.

The bill would impose 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.

Ch. 1073 (AB 2335) Johnston. Bargaining Unit Six: benefits.

Existing law governing employer-employee relations for state civil service employees

---

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

requires the parties to meet and confer on the terms and conditions of employment.

This bill would require the Department of Personnel Administration, in accordance with Section 125 of the Internal Revenue Code, to authorize any member of Bargaining Unit Six (Corrections) to elect to receive one or more benefits in lieu of a portion of the compensation provided to the employee, as prescribed. The bill would require the exclusive representation of Bargaining Unit Six to choose an administrator with specified qualifications to administer the benefit The bill would require that the benefit comply with Section 125 of the Internal Revenue Code and the federal Employee Retirement Income Security Act (ERISA) of 1974. The bill would also require the members of Bargaining Unit Six to pay for the costs of administering this benefit.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1074 (AB 2400) N. Waters. Milk production.

(1) Existing law establishes financial requirements for handlers of manufacturing and marketing milk, including bonding requirements.

This bill would revise those bonding requirements.

(2) Existing law specifies subjects that contracts between manufacturing milk producers and handlers are required to cover, exempts certain contracts between these persons from these requirements, and imposes other requirements on handlers who fail to pay for milk delivered to them.

This bill would revise these contract requirements.

(3) Existing law specifies contract and payment requirements between market milk producers and handlers.

This bill would revise these requirements.

(4) Existing law creates a Milk Producers Security Trust Fund administered by the Director of Food and Agriculture and a Milk Producers Security Trust Board consisting of 7 members appointed by the director

Existing law requires the director to collect specified security charges from milk handlers which is deposited in a bank or other depository in order to fund the trust fund. The money is exempt from various financial control requirements that otherwise apply to state funds.

Existing law permits producers to submit claims against the trust fund for nonpayments under a specified procedure. The amount recoverable from the trust fund is determined pursuant to a specified formula.

This bill would name the law relating to the trust fund the Norman S. Waters-Ruben S Ayala Milk Producers' Security Act of 1987. The bill would revise the law relating to the trust fund and would provide that moneys in the trust fund are continuously appropriated to the director.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1075 (AB 2434) Agnos. Education· substance abuse.

Existing law requires 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 requires the Superintendent of Public Instruction to conduct that program until June 30, 1988, in selected regions of the state. Provisions limiting the use of the money in the First Offender Program Evaluation Fund in the General Fund to specified purposes, including the pilot program, were repealed on July 1, 1987

This bill would reenact those provisions limiting the use of the money and would repeal the reenacted provisions as of July 1, 1988. The bill would also extend the conduct of the pilot program to June 30, 1989.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1076 (AB 2466) Polanco. Nuisances.

(1) Existing law provides that in cases in which a governmental agency seeks to enjoin certain types of illegal activity, the court may award costs, including the costs of

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

investigation and discovery, and reasonable attorney's fees, which are not otherwise compensated, to the prevailing party.

This bill would authorize the recovery of these costs in cases in which a governmental agency seeks to enjoin the use of a building or place, or seeks to enjoin in or upon any building the unlawful sale, manufacture, service, storage, or keeping or giving away of any controlled substance, or the unlawful sale, service, or giving away of alcoholic liquor, as specified.

(2) Existing law provides that every building or place used for the purpose of unlawfully selling, serving, storing, or keeping or giving away of any controlled substance shall be enjoined, abated, and prevented, as specified. Existing law requires the district attorney of any county, and authorizes the citizens residing in the county, to maintain an action to abate and prevent the nuisance Existing law provides that unless filed by the district attorney, the complaint in the action shall be verified.

This bill would make the decision of a district attorney of any county to maintain these actions discretionary rather than mandatory.

This bill would also authorize the city attorney of any incorporated city to maintain these actions, and would provide that the action need not be verified if filed by the city attorney of a city.

Existing law provides that if the existence of a nuisance is established in the action, the court order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, as specified.

This bill would also authorize the court to assess a civil penalty not to exceed $25,000 against any or all of the defendants in these actions, based upon the severity of the nuisance and its duration.

(3) Existing law provides that every building or place used for the purpose of unlawfully selling, serving, or giving away any alcoholic liquor, and every building or place in or upon which such liquors are unlawfully sold, served, or given away shall be enjoined, abated, and prevented as a nuisance, as specified

Existing law requires the district attorney of the county, and authorizes the citizens residing in the county, to maintain an action to prevent and abate the nuisance Existing law provides that a complaint in these actions shall be verified unless filed by the district attorney.

This bill would authorize the city attorney of an incorporated city to maintain these actions, and would provide that the action need not be verified if filed by that city attorney of a city.

(4) Existing provisions of the Red Light Abatement Law require the district attorney of a county, and authorize the citizens residing in the county, to maintain an action to abate and prevent illegal gambling, lewdness, assignation, or prostitution and to enjoin the continuation of those activities. Existing law provides that a complaint in these actions shall be verified unless filed by the district attorney.

This bill would authorize the city attorney of an incorporated city to maintain these actions, and would provide that the action need not be verified if filed by that city attorney of a city.

Ch. 1077 (AB 2480) Hauser. Mobilehomes manufactured housing. licenses.

Existing law requires persons licensed as dealers or salespersons of manufactured homes or mobilehomes to have completed certain educational requirements. In this connection regulations prescribing certain matters, including equivalent training, are required and are to include specified instruction

This bill would add manufactured housing technical programs to the specified instruction. The bill would also revise existing continuing education requirements for these dealers and salespersons

Ch. 1078 (AB 2531) Jones. Housing residential hotel rehabilitation.

Existing law requires the Department of Housing and Community Development to establish a Special User Housing Rehabilitation Program for elderly or handicapped households of very low income and low income and make deferred-payment loans to sponsors relating to rental housing developments, including residential hotels, as de-

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

fined, for these individuals. Existing law creates the Housing Rehabilitation Loan Fund, a continuously appropriated fund, to carry out these purposes, among others.

This bill would include, as a "rental housing development" for purposes of this program, a residential structure or structures in operation or previously operated as a motel and subject to specified requirements of existing law, which will contain 5 or more rental dwelling units for low or very low income households. The bill would designate, as eligible rehabilitation costs relative to motels, costs associated with adding self-containing kitchens and bathrooms in each unit These changes would make an appropriation by providing a new authorized purpose of expenditure for the Housing Rehabilitation Loan Fund.

Ch. 1079 (AB 2621) Sher. Thermal powerplants: certification of sites.

Under existing law, the State Energy Resources Conservation and Development Commission may, after hearings, amend the conditions of, or revoke the certification for, any facility on account of a false statement or a failure to comply with terms and conditions.

This bill would permit the commission, in addition, to impose administrative civil penalties for the violation of either of those matters, as specified.

The bill would state the intent of the Legislature in enacting these provisions.

Ch 1080 (SB 184) Dills Civil procedure litigation costs: arbitration: records.

Under existing law, generally, a prevailing party is entitled as a matter of right to recover costs in any action or proceeding. One of those costs is that of service of process.

This bill would make various changes with respect to the award of costs, including, among other things, (1) providing that if an offer made by a defendant is not accepted and the plaintiff fails to obtain a more favorable judgment, costs, as specified, shall be deducted from any damages awarded in favor of the plaintiff; if specified costs awarded exceed the amount of the damages awarded to the plaintiff the net amount would be required to be awarded to the defendant and judgment to be entered accordingly; (2) providing that in an action which seeks relief in addition to that based on a contract, if the party prevailing on the contract has damages awarded against it on causes of action not on the contract, the amounts awarded to the party prevailing on the contract shall be deducted from any damages awarded in favor of the party who did not prevail on contract, if the amount awarded exceeded the amount of damages awarded the party not prevailing on the contract, the net amount would be required to be awarded to the party prevailing on the contract and judgment could be entered in favor of the party prevailing on the contract for that net amount; (3) revising the definition of "party prevailing on the contract," as specified and (4) making changes as to the manner of recovery of attorney's fees as costs.

The bill would authorize, rather than require, the dismissal of a complaint in certain specified situations where a demurrer to a complaint is sustained or a motion to strike a complaint is granted, as specified.

This bill also would authorize the filing of a petition alleging the existence of an agreement to arbitrate, as specified, in lieu of filing an answer to a complaint.

Existing law requires a subpoena duces tecum for the production of personal records to be served in sufficient time to allow the witness a reasonable time to locate and produce the records or copies thereof. The law defines personal records as, among other things, writing pertaining to a consumer and which are maintained by any "witness" which is a physician, hospital, bank, or others, as specified

This bill would include anyone authorized by this state to make or arrange loans that are secured by real property in the definition of a witness for those purposes.

This bill also would make a technical change with regard to the provisions of law relating to recovery of the costs of service of process.

Ch. 1081 (SB 316) Robbins. Bail.

Under existing law, if without sufficient excuse, the defendant in a criminal proceeding neglects to appear for arraignment, trial, judgment, or upon any other occasion when the defendant's presence in court is lawfully required, or to surrender himself or herself, the court is required to direct the entry of the fact upon its records, and to declare bail

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

or deposited money forfeited, except as otherwise authorized.

This bill would provide that the requirement of the forfeiture of bail or deposited money applies unless within 15 court days from arraignment no complaint is filed or the charges are dismissed.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1082 (SB 349) Bergeson. Justice facilities.

Existing law authorizes certain counties to establish (1) a Courthouse Temporary Construction Fund, to be funded by penalty assessments of $1 for every $10 or fraction thereof collected on nonparking offenses and to be used for the acquisition, rehabilitation, construction, and financing of courthouses, as specified, and (2) a County Criminal Justice Facility Temporary Construction Fund, to be funded by penalty assessments of $1 for every $10 or fraction thereof collected on nonparking offenses and a surcharge of $1.50 on each parking fine or forfeiture collected, with $1 for each parking case filed to be deposited in the fund, to be used for the construction of county criminal justice facilities and the improvement of criminal justice automated information systems, as specified.

Existing law also authorizes San Diego and Santa Clara Counties 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.

This bill would repeal the existing provisions described above for San Diego and Santa Clara Counties, and add provisions authorizing Alameda, Contra Costa, Los Angeles, Marin, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Ventura, and Yolo Counties to (1) increase the penalty assessment collected for the County Courthouse Temporary Construction Fund and the penalty assessment collected for the County Criminal Justice Facility Temporary Construction Fund, from $1 to $2 for every $10 or fraction thereof collected for nonparking offenses, and (2), excepting Marin, Monterey, Riverside, San Luis Obispo, Solano, Sonoma, Stanislaus, Ventura, and Yolo Counties, to impose a $1.50 surcharge on fines and forfeitures collected for parking offenses for purposes of, and require $1.50 for each parking case filed to be deposited in, both a County Courthouse Temporary Construction Fund and a County Criminal Justice Facility Temporary Construction Fund. However, the authorization for Alameda County to increase the fees and collect the surcharge would continue only so long as the county maintains the Berkeley-Albany Municipal Court.

The bill would also incorporate additional changes in Section 76000 of the Government Code proposed by SB 1148, contingent upon its prior enactment.

Ch 1083 (SB 415) Nielsen. Local elections: consolidation.

Existing law provides that a community college, by resolution, may require that its district governing board member elections be held on the same day as the statewide general election.

This bill would authorize the board of supervisors to waive a provision of existing law requiring that a resolution to consolidate the election be adopted and submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled election for the Sonoma County Junior College District on a one-time basis, as specified.

Existing law provides that a city council may enact an ordinance requiring its general municipal elections to be held on the day of the statewide direct primary or general election.

This bill would include the day of school district elections as a day on which the general municipal election may be held.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1084 (SB 600) Mello. Department of Aging: allocation formula.

Existing law provides that state and federal funds for services to the elderly are administered and allocated by the Department of Aging to area agencies on aging in accordance with an intrastate funding formula.

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

This bill would revise the intrastate funding formula regarding the uses to which certain excess one-time-only funds, as defined, may be applied.

The bill would require the Department of Aging to report annually to specified legislative committees regarding the one-time-only allocation of funds pursuant to this bill.

Ch. 1085 (SB 750) L. Greene. Subdivisions.

Under provisions of the Subdivision Map Act, a final map conforming to the approved or conditionally approved map may be filed with the legislative body for approval after all required certificates on the map have been signed and where necessary acknowledged.

This bill would impose a state-mandated local program by requiring, with certain exceptions, that an improvement plan being processed in conjunction with either an approved tentative, parcel, or final map shall be acted on within 60 working days of submittal, not including days during which the plan has been returned to the applicant for correction, has been subject to review by other than the local agency or, following that review, has been returned to the applicant for correction. If the local agency or designee cannot meet the time limit the local agency or designee may be required to employ additional persons to permit the agency to comply, unless the local agency or designee makes specified findings. This would also impose a state-mandated local program. The bill would authorize a local agency to charge the subdivider fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to the provisions enacted 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 provide that no reimbursement is required by this act for a specified reason.

Ch 1086 (SB 907) Lockyer Family law: support. mediation.

Existing law requires the mediation of any contested issues of custody or visitation in connection with proceedings under the Family Law Act.

This bill also would authorize the filing of a petition for the mediation of a dispute relating to any existing order for custody or visitation, as specified, upon the adoption of a resolution to that effect by the board of supervisors of a county.

Existing law provides that an order for spousal support shall terminate at the end of a period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

This bill would provide, applicable as specified, that the court retains jurisdiction indefinitely where the marriage has been of long duration, except upon written agreement of the parties to the contrary or a court order terminating spousal support It would be rebuttally presumed that a marriage of 10 years or more is a marriage of long duration, as specified

Existing law provides that in any judgment decreeing the dissolution of a marriage or a legal separation of the parties, a court may order a party to pay for the support of the other party. In making a determination of the amount of the support, the court is required to consider various factors.

This bill would delineate an alternative procedure, generally analagous to a procedure of existing law relative to child support orders, in which attorneys would be prohibited from participating, for the request of a modification of an order awarding spousal support. An increase granted pursuant to this procedure without a showing of changed circumstances could not exceed an amount equal to the increase in the California all consumer price index provided by the federal government for each year subsequent to the date on which the current award was granted.

Existing law requires the State Department of Social Services to design and develop a booklet describing the proper procedures and processes for the collection and payment of child and spousal support, and to verify the appropriateness and accuracy of the contents of the booklet with representatives of specified organizations. Existing law

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

requires copies of the booklet to be distributed by each county welfare department, as specified.

This bill would require the department to solicit comment concerning the content of the booklet from the Director of the Administrative Office of the Courts. The bill would also require clerks of the superior court to distribute the booklets to applicants in all actions involving the support of minor children, and would require each moving party to serve a copy of the booklet on the responding party. In requiring the distribution, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1087 (SB 1053) Seymour. Crimes.

Existing law makes the solicitation of various acts a crime.

This bill would provide that every person over 18 years of age who, in any voluntary manner, solicits, induces, encourages, or intimidates any minor with the intent that the minor shall commit a felony in violation of specified provisions of law, shall be punished by imprisonment in the state prison for a period of 3, 5, or 7 years.

This bill would provide that if the minor is 16 years of age or older at the time of the offense, this provision shall only apply if the adult is at least 5 years older than the minor at the time the offense is committed.

This bill would prohibit the court from imposing a sentence pursuant to these provisions which exceeds the maximum penalty prescribed for the felony offense for which the minor was solicited, induced, encouraged, or intimidated to commit This bill would also require the court to consider the severity of the underlying crimes as one of the circumstances in aggravation

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

This bill would provide that except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any person who is convicted of violating the above-described offense relating to the use, solicitation, inducement, encouragement, or intimidation of a minor to commit a felony. This bill would provide that where probation is granted under these circumstances, the court shall specify on the record and enter into the minutes the circumstances which indicated that the interests of justice would best be served by that disposition.

The California Constitution requires 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. 1088 (SB 1143) Montoya. Cosmetology.

Existing law authorizes any board, bureau, or commission within the Department of Consumer Affairs, except the State Board of Cosmetology, among others, to establish, by regulation, a system for the issuance of a citation to a licensee or unlicensed person, which may contain an order of abatement or an order to pay an administrative fine.

This bill would delete the exception for the State Board of Cosmetology, and thus would authorize that board to issue citations and assess fines as to persons who violate the Cosmetology Act, as specified.

Existing law requires that all cosmetology licensees are to be provided with a copy of specified rules adopted by the State Board of Cosmetology.

This bill would specify that the copy shall be in writing

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

Existing law provides for the licensure and regulation of mobile cosmetological units.

This bill would provide that those provisions shall remain in effect only until January 1, 1989, and as of that date are repealed. The bill would make conforming changes

Existing law provides for the issuance of a provisional license as a cosmetology instructor

This bill would provide for the issuance of provisional licenses in 2 categories, as specified The bill also would require every school of cosmetology, including those under the public school system, to employ at least 2 licensed cosmetology instructors, thus establishing a state-mandated local program.

This bill would also require the State Board of Cosmetology to submit a report to the Legislature on or before December 1, 1989, as specifed

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1089 (SB 1167) Marks. Pets.

Under existing law specified public property owners of any rental housing accommodation may not prohibit any elderly person from keeping 2 or fewer pets, in the rental housing accommodations, as specified

This bill would provide that the public property owners also cannot prohibit a person requiring supportive services, as defined, from keeping these pets in the rental housing accommodations.

Ch. 1090 (SB 1339) Nielsen. Sacramento River Flood Control Project.

Under existing law, the Department of Water Resources is required to maintain and operate on behalf of the state specified units or portions of the works of the Sacramento River Flood Control Project

This bill would include, within those works, flood relief structures or weirs and other essential, related structures or facilities in the vicinity of the Sacramento River between Big Chico Creek and the north boundary of Glenn County Levee District No. 3. The bill would authorize the Reclamation Board to plan, design, and construct those structures or facilities as needed for specified purposes, subject to specified conditions.

The bill would appropriate $200,000 from the Special Account for Capital Outlay to support the Cherokee Canal sediment removal project.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1091 (AB 97) Bradley. Vehicles: lien sales.

(1) Existing law provides separate procedures for the conduct of lien sales of vehicles for vehicles valued at $1,000 or less and vehicles valued over $1,000. The threshold amount reverts to $300 and certain notice and publication requirements change on January 1, 1988. Existing law also prescribes separate procedures for removal and lien sales of abandoned vehicles with estimated values of $100 or less.

This bill would make the threshold amount of $1,000 and the related notice and publications requirements permanent and would make the separate procedures for abandoned vehicles apply to vehicles with an estimated value of $300 or less.

(2) Under existing law, no person may sell, or offer or deliver to sell, to the ultimate purchaser any vehicle that does not comply with specified air pollution requirements unless the vehicle is sold to a dealer or sold for the purpose of being wrecked or dismantled. Existing law also prohibits an auctioneer or public agency from selling a vehicle except for wrecking or dismantling or for exclusive off-highway use and except for judicial sales, as specified, unless the vehicle conforms to equipment and other requirements of the Vehicle Code and unless notice that a certificate of compliance with

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

the air pollution requirements is obtained before the vehicle is registered.

This bill would also exempt specified lien sales from those prohibitions and would make conforming changes.

(3) The bill would incorporate additional changes in Section 22851.3 of the Vehicle Code, proposed by SB 1132, to be operative only if SB 1132 and this bill are both enacted and this bill is enacted last.

Ch. 1092 (SB 357) Presley. Foster care reimbursement and community care facilities.

Under the California Community Care Facilities Act and the California Residential Care Facilities for the Elderly Act, a licensed residential facility serving 6 or fewer persons is considered a residential use of property and the residents a family for the purposes of any law or zoning ordinance relating to the residential use of property. The facility is not subject to various business taxes, local fees, and use permits or other zoning clearances not required of a single-family residence in the same zone If the residential facility serving 6 or fewer is for dependent and neglected children, existing law provides that these homes are a permitted use in all residential zones.

This bill would specify that for those purposes a licensed residential facility serving 6 or fewer persons is not subject to business taxes, local fees, and use permits or other zoning clearances not required of other family dwellings of the same type in the same zone. The bill would define family dwellings to include single-family dwellings and units in multifamily dwellings including mobilehomes, condominiums, cooperatives, townhouses, and planned unit developments.

This bill would provide that if a mobilehome park has a family park or family section designation, there can be no provision prohibiting a person from operating in any mobilehome in a family park or designated family section, a licensed foster family care home.

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 July 1, 1988, 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 continue the existing appropriation until July 1, 1990, and would delay until July 1, 1990, the funding formula which would have become operative July 1, 1988, thereby revising a continuing appropriation and resulting in an appropriation

This bill would require the Health and Welfare Agency to submit a report to the Legislature on specified questions concerning children and foster care

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1093 (AB 108) Filante. Long-Term Care Ombudsman

Under existing law, the Office of the State Long-Term Care Ombudsman investigates and seeks to resolve complaints and concerns of patients, residents, or clients of long-term care facilities, as defined.

This bill would include residential care facilities for the elderly within the definition of long-term care facilities and would require the office to give priority to investigations and complaint resolutions in 24-hour long-term care facilities.

The bill would require the Department of Aging to allocate all federal and state funds for local Ombudsman programs according to a specified formula.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1094 (AB 114) Moore. Property taxation: possessory interests.

Existing law defines "change in ownership" for purposes of property taxation as including the creation, renewal, sublease, or assignment of a taxable possessory interest in tax exempt real property for any term.

This bill would provide that for purposes of those provisions "renewal" does not

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

include the granting of an option to renew an existing agreement pursuant to which the term of possession of an existing agreement would, upon exercise of the option, be lengthened.

This bill would state that its provisions do not constitute a change in, but are declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1095 (AB 257) 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 of commemorative "California Gold" medallions produced and sold in accordance with specified statutes. This exemption remains in effect only until January 1, 1988.

This bill would make that exemption operative indefinitely.

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. 1096 (AB 333) Costa. Horseracing: award funds.

Under existing law, an association conducting a thoroughbred racing meeting is required, at the end of the meeting, to deposit 0.34% of the total amount handled with the official registering agency of California-bred thoroughbred racehorses as designated by the California Horse Racing Board. The agency is required to distribute these funds in a specified manner, including paying breeders a sum equal to 10% of the winner's share of the purse, and may retain 5% of these funds for expenses. The agency is required, at the end of the fiscal year, to distribute the balance of the fund as stallion awards, in a specified manner.

This bill would, for races inside the state, increase the amount paid to breeders of winning horses to a sum equal to 15% of the winner's share of the purse, would specify that breeders of horses placing second or third shall be paid 10% of their respective share of the purse, and would specify that the deduction for expenses includes administrative expenses and is for educational, promotional, and research programs.

The bill would authorize breeder awards for California-bred thoroughbreds placing 2nd or 3rd in graded stakes races outside California and would increase the maximum amount of a breeder award for winners of these races outside California. The bill would require the distribution of stallion awards at the end of the fiscal year to the owner of a sire of a California-conceived, instead of a California-bred, thoroughbred horse. The bill would also increase the maximum amounts for stallion awards for California-conceived thoroughbreds winning or placing 2nd or 3rd in graded stakes races outside California.

Ch. 1097 (AB 365) Cortese Vehicles.

Existing law requires that when an owner of a vehicle sells or transfers and delivers possession of a vehicle to another, that owner is required to notify the Department of Motor Vehicles of the sale or transfer with specified information. A violation of this requirement is an infraction unless committed by a lessor-retailer or a dealer, in which case it is a misdemeanor. Existing law also provides immunity for that selling or transferring owner from civil or criminal liability for operation or transfer by another after the sale if that owner either made proper endorsement and delivery of the registration and title certificates or delivered or mailed the notice described above to the department.

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

This bill would provide immunity from civil or criminal liability only if both of those conditions are complied with and would make the violation an infraction with specified penalties.

Ch. 1098 (AB 395) Peace. Hazardous waste: storage facilities.

Existing law, effective January 1, 1988, defines storage facility, for purposes of the hazardous waste control law, as including any hazardous waste facility where the hazardous waste is stored for any period of time and the quantities of the hazardous waste exceed specified amounts.

This bill would revise the definition of storage facility to include any facility where hazardous waste is stored in tanks or accumulated in waste piles and the quantities of waste exceed those amounts. The bill would exclude from the definition of storage facility a generator which accumulates hazardous waste or acutely hazardous waste at an onsite facility and complies with specified conditions.

Ch. 1099 (AB 445) O'Connell. Hazardous substances

Under existing law, the money in the Hazardous Substance Cleanup Fund and the Hazardous Substance 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. Existing law also requires the department to prepare and annually revise a site-specific plan of expenditures for hazardous substance removal and remedial actions paid for from this fund.

This bill would authorize the department to take or contract for specified investigations and studies at Oxnard Dunes in the County of Ventura to determine whether a release or threatened release of hazardous waste poses a substantial present or potential hazard to human health or the environment and, if the department determines there is such a present or potential hazard, to take or contract for removal or remedial action.

The bill would authorize the department to expend the money in the fund or the account pursuant to the expenditure plan to pay for the costs incurred in taking these actions, thereby making an appropriation. The department would be required to recover the costs not paid by a responsible party under an order issued, or an enforceable agreement entered into for corrective action or remedial or removal action, as specified.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1100 (AB 828) Clute. Education: discrimination based upon physical handicap.

(1) Under existing law, a teacher is prohibited from giving instruction, and a school district is prohibited from sponsoring any activity, which reflects adversely upon a person because of their race, sex, color, creed, national origin, or ancestry.

Existing law also prohibits the adoption by the state board or any school district governing board of any textbook or other instructional materials for use in the public schools which contains any material reflecting adversely upon persons because of the categories enumerated above.

This bill would add handicap as a category for purposes of these provisions.

(2) Existing law includes a separate provision prohibiting the governing board of a school district from adopting instructional materials, as defined, which, in its determination, contain materials reflecting adversely on persons because of the categories enumerated above, and additionally because of occupation.

This bill would add handicap as a category for purposes of this provision. By increasing the categories over which the governing board is required to make this determination, this bill would thereby 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, 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

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

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. 1101 (AB 976) Peace. Telephones. information-access service providers: obscene matter.

(1) Under existing law, the distribution of obscene matter is prohibited. For a first offense of distribution of obscene matter to a person 18 years of age or older, a violation is a misdemeanor Distribution of obscene matter to a person under the age of 18 is a felony.

This bill would provide a defense to an information-access service provider in a prosecution for distributing obscene matter by telephone to a person under 18 years of age if the information-access service provider requires the use of an authorized access or identification code, as specified, or required payment by credit card before transmission of the matter.

The bill would specify that any customer list compiled or maintained by an information-access service provider distributing obscene matter by telephone is confidential and shall not be sold or otherwise disseminated except by court order.

(2) Under existing law, in effect until July 1, 1988, the Public Utilities Commission is directed to require information-access service providers to offer to residential telephone subscribers a means to delete access to this service. The commission is also required to require telephone corporations and providers of information-access telephone services to institute a method of handling subscribers' complaints, as specified.

This bill would extend the termination date of these provisions to July 1, 1991.

Ch 1102 (AB 1017) Bronzan. Emergency medical services.

(1) Under existing law, the Commission on Emergency Medical Services is composed of 14 appointed members with specified backgrounds, including one member who is either a county health officer or medical director of a local EMS agency.

This bill would increase the membership of the commission to 15 members by requiring, instead, the appointment of one county health officer and one medical director of a local EMS agency appointed by the Governor and who is an active member of the Emergency Medical Directors Association of California. It would prescribe the term for the 1st member appointed to the new office of medical director of a local EMS agency

(2) Existing law requires that one member of the commission be an administrator from a local EMS agency appointed by the Governor from a list of 4 names submitted jointly by the Northern California EMS Administrators Association and the Southern California EMS Administrator Council.

This bill would change the reference from the Southern California EMS Administrator Council to the Southern California EMS Administrators Association.

Ch. 1103 (AB 1087) Polanco. Sales and use taxes· exemptions· food stamps.

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

This bill would exempt from the tax the gross receipts from the sale, and the storage, use, or other consumption of tangible personal property purchased with food stamps.

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 provisions would not become operative until October 1, 1987.

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

Ch. 1104 (AB 1145) N. Waters. Theater companies: special on-sale beer and wine licenses.

Existing law provides for the issuance of a special on-sale general alcoholic beverage license to any nonprofit theater company which has been in existence at least 10 years and which is tax exempt, as specified.

This bill would authorize the issuance of a special on-sale beer and wine license to any nonprofit theater company which has been in existence for at least 8 years, which has performed in facilities leased or rented from a local county fair association, and which is tax exempt, as specified

Ch. 1105 (AB 1147) N. Waters. Carnivals: fairs: accident records.

Existing law specifies procedures to be followed when county fairs and citrus fruit fairs plan to contract with carnival operators.

This bill would require that, if carnival incident or accident records are required as conditions to contracts between carnival contractors and district agricultural associations, county fairs, or citrus fruit fairs, the Department of Food and Agriculture maintain and review carnival contractor's accident reports submitted by the Division of Occupational Safety and Health in the Department of Industrial Relations to the department and disseminate information regarding these reports to district agricultural associations, county fairs, and citrus fruit fairs.

Ch. 1106 (AB 1255) Bates. County health programs.

(1) Existing law permits the State Department of Health Services to contract with a county for the operation of a pilot project for the rendering of county health care services, including preventive health care services.

Existing law permits a pilot county or its subcontractors under the Medi-Cal program to be reimbursed at a negotiated rate that shall be fixed and not subject to adjustment costs.

This bill would instead allow reimbursement at a negotiated rate or on a net amount basis that shall be fixed and based on projected levels of utilization.

Existing law requires that reimbursements to a pilot county or its subcontractor shall be monthly in advance, in amounts nearly equal to one another as possible, except for reimbursement for Medi-Cal services, which shall be reimbursed in a way and in the form specified in the contract with the pilot county

This bill would delete the requirement that Medi-Cal reimbursements be made in a way and in a form specified in the contract.

Existing law requires that, if a contract is entered into for operation of this pilot project, the first contract shall commence July 1, 1986.

This bill would, instead, permit, but not require, the first contract to commence July 1, 1986

(2) Existing law requires the State Department of Health Services to submit an evaluation of this pilot project to the Legislature by June 30, 1988 Existing law also repeals the provisions authorizing this pilot project on June 30, 1988.

This bill would, instead, require the evaluation to be submitted to the Legislature by, and would extend the duration of the provisions authorizing the pilot project to, June 30, 1990

(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, 1989.

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, 1991.

Ch. 1107 (AB 1362) Bronzan. Mental health

Under the Lanterman-Petris-Short Act, the county designates and the State Department of Mental Health approves, facilities for the treatment and evaluation of involuntarily detained mentally disordered persons.

This bill would provide that the department shall ensure that, whenever feasible,

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

minors shall not be admitted into psychiatric treatment with adults if the health facility has no separate housing, treatment staff and treatment program to serve children, and provides for waiver of those provisions under certain circumstances. However, no minor may be admitted for psychiatric treatment into the same treatment ward as certain described adults receiving treatment.

This bill would also require the State Department of Health Services to survey all licensed acute care hospitals in relation to minors receiving psychiatric treatment and make a report to the Governor and the Legislature no later than January 1, 1990

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1108 (AB 1449) Wright. Unemployment compensation.

Existing law provides that an individual is disqualified for unemployment compensation benefits if he or she left the most recent employment for reasons caused by an irresistible compulsion to use or consume intoxicants, continuing until he or she has performed service in employment for which remuneration is received equal to or in excess of 5 times his or her weekly benefit amount, or until a physician or authorized treatment program administrator certifies that the individual has entered into, and is continuing in, or has completed, a treatment program for his or her condition and is able to return to employment.

This bill would include within the causes of claimants leaving employment which certain employers may submit, within 10 days after the notice of a filing of a new or additional claim, to the Employment Development Department, facts disclosing whether the discharge or quit was the result of an irresistible compulsion to use or consume intoxicants. This bill would require that benefits paid to persons discharged or quitting for those reasons not be charged to the account of the employer, unless the employer failed to furnish that information within the prescribed time limit.

Ch 1109 (AB 1456) Farr Industrial development bonds.

(1) Existing provisions of the California Industrial Development Financing Act (hereafter referred to as the "act") provide for the establishment of industrial development authorities by cities, counties, cities and counties, and redevelopment agencies. The industrial development authorities are authorized to issue industrial development bonds, proceeds of which may be used to fund capital projects of private enterprise.

Under existing law, the act will be repealed January 1, 1989

This bill would, instead, provide for the repeal of the act January 1, 1990.

(2) Existing provisions of the act authorize industrial development authorities acquired under the act to issue revenue bonds limited to a maximum of $10,000,000 per issue to finance property and improvements for activities and uses specified in the act.

This bill would delete certain of those activities and uses The bill would make the $10,000,000 limitation on individual issues for any project only applicable to bonds the interest on which is exempt from federal income taxation, and would limit the aggregate principal amount of taxable bonds of an issue for any project to $50,000,000 The bill would provide for the issuance of up to $350,000,000 per year of bonds the interest on which is taxable under federal law, pursuant to the act upon specified terms different from bonds that are tax-exempt under federal law, including a maximum interest rate of 16%. The bill would make related and clarifying changes and delete obsolete provisions.

(3) Existing provisions of the act authorize industrial development authorities to fund administrative expenses with, among other things, application fees that are limited by statute.

This bill would, instead, authorize the board of directors of an authority to determine and collect reasonable fees for this purpose which shall not exceed 1 percent of the estimated maximum amount of bonds proposed by the application.

(4) Under existing provisions of the act, the California Industrial Development Finance Advisory Commission may serve as a pooling agent to issue pooled bonds for multiple projects benefiting small businesses, as defined.

This bill would additionally authorize the commission to issue bonds, and finance projects on behalf of 2 or more industrial development authorities for any purpose under

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

the act pursuant to a delegation agreement entered into with the authorities. The bill would require that until October 1 of each year a minimum of 10% of the aggregate amount of the taxable bond authority and 10% of the aggregate amount of tax exempt bond authority shall be reserved for projects in enterprise zones and program areas, as specified.

(5) This bill would incorporate additional changes in Section 91503 of the Government Code, proposed by AB 1859, to be operative only if AB 1859 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last. These changes would become operative on the operative date of AB 1859.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1110 (AB 1728) Areias Prisoners. release.

Existing law requires the Board of Prison Terms, when releasing an inmate on parole, to return the inmate to the county from which he or she was committed unless, after consideration, including various specified factors, the board determines it is in the best interests of the public and of the parolee that he or she be returned to another county and places its reasons in writing.

This bill would require, with respect to inmates sentenced for violent felonies, that the Board of Prison Terms, with respect to inmates sentenced to indeterminate terms of imprisonment, and the Department of Corrections, with respect to inmates sentenced to determinate terms of imprisonment, notify the sheriff or chief of police, or both, having jurisdiction over the community wherein the person is to be paroled or rereleased after parole revocation. The bill would generally require the notification to be made at least 15 days prior to the scheduled release date and, in all cases, to include the name of the person who is scheduled to be released, whether the person is required to register with local law enforcement and the community in which the person will reside. It would provide that when any of those inmates are scheduled to be released to a county other than the county from which the person was committed, the board or department shall notify the sheriff or police chief, or both, having jurisdiction over the community in which the inmate is scheduled to be released The bill would require that this notification be made 45 days prior to release.

The bill would provide that the latter law enforcement agency receiving a notice shall have 15 days from receipt of the notice to provide written comment to the board or department regarding the release. It would provide that the comments are to be considered by the board or department which may, based on the comments, modify its decision regarding the community in which the person is scheduled to be released.

This bill would require notification at the time of release for cases in which a court orders the immediate release of an inmate.

Ch 1111 (AB 1735) Isenberg. Redevelopment: housing.

(1) Existing law requires, with certain exceptions, that when a redevelopment project destroys or otherwise removes dwelling units from the low- and moderate-income housing market that the units be replaced, as specified Existing law also requires the Department of Housing and Community Development to annually report on redevelopment activities.

This bill would require the annual report of the Department of Housing and Community Development until January 1, 1991, to include a listing of redevelopment projects without these replacement-housing obligations, reports of redevelopment agency findings respecting low- and moderate-income housing obligations, and reports of project area mergers.

(2) Existing law requires, with respect to redevelopment projects begun and areas added to redevelopment project areas on or after January 1, 1977, that 20% of any taxes allocated for redevelopment under a redevelopment plan providing for so-called tax-increment financing, be used for low- and moderate-income housing, unless the agency makes certain findings.

This bill would revise the requirements for these findings and require the findings to be made annually. The bill would, with certain exceptions, require low- and moderate-income housing units developed or assisted with these moneys, pursuant to agreements

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

approved by redevelopment agencies on or after January 1, 1988, to remain affordable, as specified, for the longest feasible time, but not less than 15 years in the case of rental housing and 10 years in the case of owner-occupied units. The bill would require the redevelopment agency to provide for enforcement through recorded covenants or restrictions enforceable by the agency and the city or county. The bill would also require protection of the agency's investment in owner-occupied units of this housing during the 10-year restriction pursuant to an adopted program that would include allocation to the agency of a prescribed portion of the proceeds of sales during the 10-year period Insofar as these requirements would apply to redevelopment projects commenced prior to the bill's effective date, the bill would impose a state-mandated local program.

(3) Under existing law, a redevelopment agency may defer the above housing obligations for prescribed reasons.

This bill would declare any deficit created thereby to be an indebtedness of the redevelopment project and would eliminate an existing requirement for an agency resolution.

(4) Under existing law, a redevelopment agency is required to replace low- and moderate-income housing destroyed or removed from that housing market by redevelopment in redevelopment projects for which the final plan is adopted on or after January 1, 1976, and in areas added to pre-1976 redevelopment projects on or after that date. Existing law additionally requires specified percentages of housing developed or rehabilitated in a redevelopment project to be low- or moderate-income housing, as specified. Existing law requires this housing to be committed to for this occupancy for at least the duration of land use controls in the redevelopment plan.

This bill would require the above housing to be committed to this occupancy, but for not less than the duration of the redevelopment land use controls, as specified. This bill would delete general applicability of the replacement-housing obligations to areas added to pre-1976 redevelopment projects on and after January 1, 1976, and would, instead make the requirements for replacement housing applicable to pre-1976 redevelopment projects as to dwelling units destroyed or removed from the low- and moderate-income housing market on or after January 1, 1996. Insofar as these requirements would apply to redevelopment projects commenced prior to the bill's effective date, 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, 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.

(6) This bill would incorporate additional changes in Section 33334.2 of the Health and Safety Code, proposed by SB 1218, to be operative only if SB 1218 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

Ch. 1112 (AB 1885) Floyd. Earthquake insurance.

Existing law does not require the Department of Insurance to conduct a study of earthquake insurance.

This bill would do so. Among other things, the bill would do all of the following:

(1) Require the department to conduct a study of earthquake insurance and report on the study to the Legislature, as specified.

(2) Define the purpose and scope of the study

(3) Require the department, in conducting the study, to consult with specified entities.

(4) Require the Department of Conservation to provide certain information and design a specified study

(5) Appropriate up to $150,000 to the Department of Insurance and appropriate

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

$150,000 to the Department of Conservation from the Insurance Fund for purposes of the bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1113 (AB 2011) Moore. Office of Information Practices open meetings: California Collider Commission.

(1) Existing law requires the Office of Information Practices to report any violation of the Information Practices Act to the affected state agency and if the violation is not corrected within 60 days, to the Governor, the Legislature, and the appropriate law enforcement agency.

This bill would require the office to report annually to the Legislature regarding state agency compliance with the Information Practices Act and the California Public Records Act, the cost of compliance, and recommendations for legislation to improve compliance

(2) Existing law requires each state agency which maintains a system of records containing personal information to file with the Office of Information Practices on July 1 of each year a notice to serve as the public directory to those agency records containing personal information

This bill would require the notice to specify the cost to the agency of complying with the Information Practices Act and the California Public Records Act and instances during the reporting period in which personal information has been distributed by the agency or obtained by any person in a manner not in accord with law It would require the notice to be filed on March 31 of each year

(3) Existing law requires the California Collider Commission to act as an agent for the state in presenting a site proposal for the Superconducting Super Collider to the federal Department of Energy

The Bagley-Keene Open Meeting Act requires all meetings of a state body to be open and public, requires the state body to provide notice of its meetings to any person who requests that notice in writing at least 10 days in advance of the meeting, and authorizes any interested person to commence an action by mandamus, injunction, or declaratory relief for purposes of obtaining a judicial determination voiding any action taken by a state body in violation of the open and public meeting and notice requirements

This bill would, notwithstanding the Bagley-Keene Open Meeting Act, exempt any action taken by the commission prior to the effective date of this bill, from any judicial action to void any action taken at a meeting and would provide that any such action shall be deemed taken in substantial compliance with open and public meeting and notice requirements The bill would prohibit any commission member from being found to have violated any provision of the Bagley-Keene Open Meeting Act for action taken prior to the effective date of this bill

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1114 (AB 2028) Seastrand Courts Sacramento and Santa Barbara Counties.

(1) 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 commissioners and other municipal court personnel in Santa Barbara County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law provides for the employment rights of municipal court personnel in Sacramento County.

This bill would clarify changes to Section 74196 of the Government Code made by Chapter 263 of the Statutes of 1987, regarding employment rights of municipal court personnel in Sacramento 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

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

reason.

Ch. 1115 (AB 2195) Tucker. Pharmacy.

Existing law provides for the licensing and regulation of pharmacies and pharmacists, pursuant to the Pharmacy Law.

This bill would provide an exemption from that law for a medical device retailer, as defined, provided the person applies to the board for an exemption, pays a fee, and meets other specified conditions on or before July 1, 1991.

Existing law specifies various procedures and functions which may be performed by a registered pharmacist

This bill would state that a pharmacist may manufacture, measure, fit to the patient, sell and repair, legend medical devices and furnish instructions on the use of those devices.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

This bill would impose a state-mandated local program by adding 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. 1116 (AB 2210) M. Waters. Emergency shelter· public facilities.

Existing law provides various state and local programs for aid to qualified low-income persons.

This bill would authorize political subdivisions, as defined, including the state, to allow persons unable to obtain housing to occupy designated public facilities, as defined, during a period of a shelter crisis, as declared by the governing body of the political subdivision, and would specify that certain state and local laws, regulations, and ordinances shall be suspended during the shelter crisis, to the extent strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1117 (AB 2288) Filante. Safe drinking water grants.

Existing law (The California Safe Drinking Water Bond Law of 1986) 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 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, and the amount of, the grants in accordance with the bond law.

This bill provides that, notwithstanding any other provision of law, the City of Corcoran, for the purposes of submitting a proposition to the voters on the question whether the city shall enter into a contract with the state for a loan from the State Water Quality Control Fund, may conduct an all mail ballot election at the earliest opportunity

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1118 (AB 2336) Johnston. Community colleges. fees.

(1) Existing law excludes community college districts until January 1, 1988, from a provision regarding the selling of eye protective devices required to be worn in courses involving activities likely to cause injury to the eyes. Existing law specifies that the exclusion shall not be construed as prohibiting the governing board of a community college district from offering eye protective devices for sale to students and employees who voluntarily choose to purchase those devices from the district

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

This bill would extend the exclusion to January 1, 1992.

(2) Existing law, operative January 1, 1988, authorizes the governing board of a community college district to impose a fee on a participating student for the additional expenses incurred when physical education courses are required to use nondistrict facilities

This bill would change the operative date of that provision to January 1, 1992.

(3) Existing law authorizes the governing board of a district maintaining a community college to require community college students to pay a fee for health supervision and services or the operation of a student health center or centers, as specified Existing law requires the governing board to adopt rules and regulations exempting low-income students from that fee or provide for the payment of the fee from other sources

This bill, in addition, would require that the rules and regulations exempt from that fee students receiving financial aid from a designated source, as specified The bill would require any community college district that provided health services in 1986–87 to maintain health services at the level provided during the 1986–87 fiscal year in 1987–88 and each fiscal year thereafter. The bill would provide that if the cost to maintain that level of service exceeds a specified limit, the excess cost shall be borne by the community college district. These additional requirements would impose a state-mandated local program.

(4) Existing law, operative January 1, 1988, authorizes the governing board of a community college district to impose a fee for the actual pro rata cost for services relative to a program change, as specified

This bill would change the operative date to January 1, 1992

(5) Existing law, operative January 1, 1988, authorizes the governing board of a community college to impose a late application fee, as specified

This bill would change the operative date to January 1, 1992

(6) Existing law requires the governing board of each community college district to charge each student a fee equal to $50 per semester for students enrolled in classes totaling 6 or more credit semester units and $5 per unit per semester for students enrolled in classes totaling less than 6 credit semester units Under existing law, those provisions are repealed as of January 1, 1988

This bill would, instead, commencing January 1, 1988, establish the fee at $5 per unit per semester up to a maximum of $50 per semester and would extend the fee requirement until January 1, 1992, thereby imposing a state-mandated local program.

This bill would state the intent of the Legislature to provide adequate funding for purposes of providing financial aid funds directly to low-income students who cannot afford to pay this fee and for purposes of defraying this fee for any student who, at the time of enrollment, is a recipient of benefits under the Aid to Families with Dependent Children program, the Supplemental Security Income/State Supplementary Program, or a general assistance program, to be provided according to a specified schedule

(7) Existing law authorizes the governing board of a community college district to conduct field trips or excursions in connection with courses of instruction or school-related activities, as specified. Existing law provides that, until January 1, 1988, no student shall be required to pay a fee to participate in an instructionally related field trip or excursion within the state and that the law shall not be construed to require the governing board of a community college district to pay the costs of meals, lodging, and other incidental expenses for students participating in field trips and excursions.

This bill would extend that date to January 1, 1992.

(8) Existing law requires the governing board of any community college district conducting excursions and field trips to provide, or make available, medical or hospital service, or both, as specified, for students of the district injured while participating in the excursions and field trips Existing law provides, until January 1, 1988, that the cost of the insurance or membership shall be paid from the funds of the district.

This bill would extend that provision until January 1, 1992 This bill also would provide that, commencing January 1, 1992, the cost of the insurance or membership may be paid from the funds of the district, or by the insured student, or his or her parent or guardian.

(9) Existing law, operative January 1, 1988, authorizes the governing board of a

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

community college district to charge a reasonable fee for instructional materials provided to any enrolled student.

This bill would change the operative date to January 1, 1992.

(10) Existing law, operative January 1, 1988, authorizes the governing board of a community college district to sell to persons enrolled in classes for adults maintained by the district materials that may be necessary for the making of articles in those classes.

This bill would change the operative date to January 1, 1992.

Existing law, operative January 1, 1988, authorizes a governing board of a community college district to contract for, or to directly provide, transportation to adults for purposes other than to and from school, and to charge these adults for all or part of those costs.

This bill would change the operative date to 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 provide that no reimbursement is required by specified provisions of this bill for a specified reason.

This bill would provide that, if the Commission on State Mandates determines that the other provisions of this bill contain costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 1119 (AB 2467) Wright Triunfo County Sanitation District Castaic Lake Water Agency

(1) Existing law authorizes county sanitation districts to acquire by gift, condemnation, or otherwise, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of sewerage systems and sewage disposal or treatment plants or refuse transfer or disposal systems

This bill would, in addition, authorize the Triunfo County Sanitation District, within or without the district, to take by grant, purchase, gift, devise, or lease, and to hold, use, enjoy, lease, or dispose of, real and personal property.

This bill would authorize that district to lease facilities necessary or convenient to any district purpose.

(2) Existing law authorizes a county sanitation district to issue negotiable promissory notes, under specified procedures, to meet current expenses of maintenance and operation

This bill would, with respect to the Triunfo County Sanitation District only, revise the rate of interest to be paid upon those notes and would, in addition, permit the district to issue negotiable promissory notes, borrow, or establish a line of credit to acquire funds under certain limitations The bill would also permit the district to issue negotiable promissory notes under certain limitations for financing the acquisition of administrative or construction offices and for the acquisition of land for district purposes.

(3) Existing law does not authorize a county sanitation district to fix and collect standby or immediate availability charges for services and facilities furnished by it.

This bill would authorize the Triunfo County Sanitation District, until January 1, 1998, to fix a service standby or availability charge not to exceed $50 per acre or parcel less than an acre to which a district service, other than sewage or sanitation service, is available. The bill would, with respect to the Triunfo County Sanitation District, specify procedures for collection and would authorize the district to assess a connection fee in lieu of levying taxes.

(4) The bill would state the findings of the Legislature concerning the need for a special law concerning the Triunfo County Sanitation District.

(5) Under existing law, the Board of Directors of the Castaic Lake Water Agency is required for any fiscal year commencing on or after July 1, 1987, to divide all lands within the agency, in accordance with prescribed procedures, into water service areas for the

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

purpose of funding and apportioning the annual capital budget of the agency, as prescribed.

This bill would revise the procedures, including notice requirements, applicable to the formation of new water service areas or the continuation, amendment, or modification of previously established water service areas. The bill would also revise procedures for the fixing of water standby charges by the agency

Ch. 1120 (AB 2628) Vasconcellos. Day care services.

(1) Existing law requires that a site supervisor for a child care and development program hold a regular children's center supervision permit.

This bill would, instead, specify that a site supervisor must hold a regular children's center instructional permit.

(2) Under existing law, there is an advisory committee appointed by the Governor to assist the State Department of Education in developing a state plan for child development programs.

This bill would require the appointment of 2 additional members to the advisory committee, as specified.

(3) Existing law provides that transportation services for specified extended day care programs shall be provided only by school districts and county offices of education and shall be reimbursed as specified

This bill would delete that provision.

(4) Existing law specifies priorities in the enrollment of children in extended day care programs

This bill would add a new priority, as specified.

(5) Existing law provides that funding for each child served by a contracting agency pursuant to a designated state child care program is to equal the fee paid by families of nonsubsidized children for the same service offered by the contracting agency

This bill would, instead, specify that state funding for each such child is not to exceed that nonsubsidized fee

(6) Under existing law, the Superintendent of Public Instruction is required to set reimbursement rates for extended day care service not exceeding an average of $2,100 per child per year, as adjusted annually for inflation

This bill would specify that the base year for the rate of $2,100 per child per year is the 1985–86 fiscal year. This bill would also direct the superintendent to base the reimbursement rates upon child days of enrollment, except that reimbursement may be made, as specified, on the basis of child hours of enrollment for the remainder of the 1987–88 fiscal year.

This bill would also direct the superintendent to adopt reimbursement rate factors for part-time and full-time enrollment for the 1988–89 fiscal year and each fiscal year thereafter, as specified.

(7) Existing law relating to these programs provides that the Superintendent of Public Instruction shall subsidize no more than 50% of reimbursable program costs or 50% of program earnings, whichever is less

This bill would provide that the superintendent shall subsidize no more than 50% of the total net program costs or 50% of the assigned reimbursement rate multiplied by the total units of service provided.

Existing law authorizes the superintendent to waive those state subsidy limits when compliance cannot be achieved due to a scarcity of families who are not eligible for the subsidization of child care costs. The cost of a program granted a waiver may not exceed the average costs of funded programs that are not granted waivers.

This bill would, instead, prohibit the granting of this waiver to any program for which the total net program costs per child served exceed the mean net cost of community child care for that region per child served by more than a specified amount.

(8) This bill would specify that no program approved for funding shall be reimbursed more than the maximum reimbursable amount stated in the contract with the State Department of Education, would specify that parent fees for subsidized children shall be used for net reimbursable program costs for subsidized children and shall fund services to subsidized children at a rate not to exceed the assigned reimbursement rate,

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

and would impose other conditions on the fees and funding for these programs.

(9) Existing law relating to extended day care services provides that it is the intent of the Legislature that funds be appropriated for the state purchase of relocatable child care and development facilities for the purpose of providing extended day care services, as specified Existing law provides that the State Allocation Board, with the advice of the Superintendent of Public Instruction, shall, among other things, lease relocatable facilities to qualifying extended day care services contracting agencies for rent of $1 per year with the lessee undertaking maintenance, repair, and other expenses.

This bill would specify that it is also the intent of the Legislature that funds be provided for the minor renovation and repair of publicly owned buildings as necessary to meet state licensing standards and for the reimbursement of the cost of initially installing utility services to any agency or cooperative agency if the facility itself has been acquired with nonstate resources.

The bill would provide, however, that the board and the state shall assume no responsibility for utility services costs reimbursed.

Existing law requires the board to establish regulations for the allocation of funds for capital outlay for child care programs

Existing law requires the Superintendent of Public Instruction to adopt rules establishing priorities for the acquisition and leasing of facilities to contracting agencies that will most benefit children needing extended day care services.

This bill would delete the condition that an agency be a contracting agency. To the extent that this expands the purpose for which funds in the State Child Care Facilities Fund, a continuously appropriated fund, may be expended, this provision would constitute an appropriation

This bill would also require the board to establish regulations for the reimbursement of utility services costs

(10) Existing law directs the Legislative Analyst to contract for an independent study of the schoolage community child care program, as specified, and to report the results of the study to the Legislature no later than December 1, 1987.

This bill would change that reporting date to December 1, 1988

(11) This bill would also renumber certain provisions of existing law relating to child care programs

(12) This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1121 (AB 2629) Harris. Alcoholic beverages.

Existing law, generally, prohibits a person licensed pursuant to the Alcoholic Beverage Control Act as a manufacturer, winegrower, manufacturer's agent, rectifier, winegrower's agent, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of that licensee (1) from holding the ownership of any interest in any on-sale or off-sale license, (2) from engaging in specified financial dealings with those licensees, and (3) from having any interest in the fixtures or equipment of that licensee.

This bill would provide an exemption from those provisions for an employee of those licensees who is a nonadministrative and nonsupervisorial employee

This bill would incorporate additional changes in Section 25502 of the Business and Professions Code, proposed by AB 1712, to be operative only if AB 1712 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch 1122 (AB 2656) Roos Bonds.

Existing law authorizes school districts or community college district governing boards to prescribe when and in what amount school bonds may be sold

This bill would authorize the board of supervisors to sell the bonds prior to a designated date, under specified conditions, without further authorization from the governing board.

Under existing law, the Director of General Services is authorized to lease state property, with the consent of the affected state agency, under specified conditions.

This bill would authorize the director to enter into a lease-purchase agreement, or a lease with an option to purchase with an initial option purchase price over $2,000,000 only for the property located at 9645 Butterfield Way in the County of Sacramento, for

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

the purpose of refinancing state office and parking facilities for initial occupancy by the Franchise Tax Board and its staff. The bill would authorize the Treasurer to sell lease revenue bonds or other obligations for that purpose and together with the Director of General Services would require the Treasurer to notify the Joint Budget Committee at least 20 days prior to entering into the lease-purchase agreement or selling the obligations.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1123 (SB 108) Presley. Hazardous substances: playground and recreational equipment: used oil.

(1) Until January 1, 1987, existing law prohibited the use of state funds by specified governmental agencies for the purchase of wooden playground or recreational equipment where there was a likelihood that children will come in contact with specified toxic substances, including arsenical preservatives, as specified. The law excluded arsenic as one of those specified substances if the seller certifies that the wood is free of visible arsenical surface deposits.

The law also prohibited specified governmental agencies from using education or parks and recreation funds to maintain wooden structures containing the specified substances with which children are likely to come in contact unless those structures are treated with nonslippery and nontoxic sealers, except that the law excluded equipment treated with arsenical preservatives, as specified, from the requirement that it be so sealed if the wood is free of visible arsenical surface deposits

This bill would reenact substantially similar provisions, except that the bill would (1) exclude arsenic-treated equipment from the purchase prohibition if, instead of being free of visible arsenical surface deposits, the wood is treated with a nontoxic and nonslippery sealer and the seller certifies that the wood is treated in accordance with a specified standard, and (2) would not exclude arsenic-treated equipment from the maintenance requirement that the wood be sealed where the wood is free of visible arsenical surface deposits.

The bill would additionally require the installer of any arsenic-treated equipment which is available for public use to seal the structures prior to, or at the time of, installation, and would require the owner of the equipment to reseal the treated equipment every 2 years thereafter.

(2) Existing law requires the California Waste Management Board to conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil and require the board to encourage state officers to purchase recycled oil products Existing law defines recycle, for these purposes, as not including, among other things, the blending or dilution of used oil with fuel oil or other uncontaminated products in order to achieve certain purity standards.

This bill would revise the definition of recycle to delete this exclusion and would specify that this revision does not affect the validity of regulations adopted by the State Department of Health Services concerning the management of blended or diluted used oil or the authority of the department to prohibit this blending or dilution.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1124 (SB 540) Dills. Health services for indigents

Under existing law, counties are annually allocated a specified sum for health care services provided to medically indigent adults by county health facilities The allocation of the amount of assistance for each county at the rate of $3 per capita, based on population is made to the governing board of the county upon submission of the county health services plan and budget, with additional funds allocated upon application of the governing body of each local jurisdiction, including counties and other entities.

This bill would require the allocation of ⅓ the amount of assistance applicable to the City of Berkeley, the City of Long Beach, the City of Pasadena, and the San Joaquin Local Health District upon submission of the health services plan and budget.

Existing law specifies that those funds allocated upon submission of the county health services plan and budget shall be expended for county health services.

This bill would expand the scope of that mandate to include certain city health

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

services.

Ch. 1125 (SB 73) Lockyer. Health facilities: skilled nursing facilities

Under the existing Long-Term Care, Health, Safety, and Security Act of 1973 each facility, including a skilled nursing facility, is required to establish and maintain a patient-oriented council.

Under existing law, patients' medical records are generally confidential, with certain exceptions.

This bill would require each licensed skilled nursing facility to allow the family to meet privately with a family member who is a resident of the facility when requested by a family member, as defined

Existing law authorizes the State Department of Health Services to investigate and inspect long-term health care facilities, as defined. Upon inspection or investigation the department may issue a citation, as specified, for violation of statutes or rules relating to operation or maintenance of the facility The licensee may challenge the final administrative decision by a judicial appeal. In order to perfect the appeal, a licensee must file a civil action no later than 60 days after the licensee notifies the director of the intent to contest, in certain circumstances.

This bill would require that the civil action be filed no later than 60 days after the licensee notifies the director of the intent to contest and served no later than 60 days thereafter This bill would also require the licensee to file and serve an at issue memorandum in the judicial appeal by July 1, 1988, or within 6 months after the department files its answer to the appeal, whichever is later, and would require the court to dismiss the appeal upon motion of the department if the at issue memorandum is not filed within the specified period

This bill would incorporate additional changes in Section 1428 of the Health and Safety Code, proposed by SB 212, to be operative only if SB 212 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 1126 (SB 206) Nielsen Fiscal affairs.

Existing law provides that, to the extent state funds are provided, counties are responsible for providing health care services to indigent persons, as defined. Counties are also responsible for providing care to the indigent population, as that term is defined by standards to be promulgated by each county.

Existing law further provides that a county with a population of less than 300,000 persons may, at its option, contract with the State Department of Health Services for administration of its health care services program for indigent persons.

Under existing law, until July 1, 1988, there is a County Medical Services Program Reserve Account in the County Health Services Fund, comprised of the projected savings in the County Medical Services Program Account appropriated for use under the health services program administered by the State Department of Health Services for participating counties with a population of under 300,000 persons When the amount of funds in the Reserve Account reaches a specified level, the excess funds in the account are available for expenditure for specified purposes relating to the provision of county health services.

This bill would make that provision permanent

Existing law provides that, until July 1, 1988, where a county with a population of under 300,000 persons has contracted with the state for provision of medical services, a hospital providing inpatient services for that county's program shall be reimbursed at the rate established under the Medi-Cal program if that hospital has a Medi-Cal inpatient hospital services contract, and if the California Medical Assistance Commission determines that reimbursement to the hospital at this rate will not be detrimental to the Medi-Cal program or to this program

This bill would make that provision permanent.

Existing law provides that the state is at risk for any amount over and above the amount in the County Medical Services Program Account appropriated for use under the health services program administered by the department only until July 1, 1988, and thereafter the counties are at risk for excess amounts.

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

This bill would make the state permanently at risk for excess amounts.

Ch. 1127 (SB 208) Royce. Fires. recovery of suppression and related costs.

Under existing law, generally, any person who negligently, or in violation of law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by that person to escape onto any public or private property is liable for the expense of fighting that fire, the cost of providing rescue and emergency medical services, the cost of investigating and making any reports with respect to the fire, and the administrative costs incurred in recovering these costs from the person, as specified. Existing law limits recovery of costs of accounting for the fire and collection to 10% of the liability for costs of fire suppression and rescue and emergency medical services

This bill would delete the above limitation on liability for costs of accounting and collection The bill would extend the above-described liability to (1) persons in actual possession of a structure, other than mortgagees, who fail or refuse to correct, within the time allotted for correction, despite having the right to do so, an unlawful fire hazard, after proper issuance of a notice of violation by a public agency, and (2) persons, including mortgagees, who fail or refuse, after proper issuance of a notice of violation by a public agency, to correct, within the time allotted for correction, an unlawful fire hazard despite having both a right and obligation under law to do so, in the case of either (1) or (2) that result in damage to, or destruction of, the structure or other property located at the premises

Ch. 1128 (SB 784) Bergeson Water supply cross-connections.

Existing law does not specifically provide for programs by local health officers for control of cross-connections by water users.

This bill would authorize local health officers to maintain programs for control of cross-connections by water users, within the users' premises, where public exposure to drinking water contaminated by backflow may occur, prescribe what the programs may include, and authorize the local health officer to collect fees from those water users required to install backflow prevention devices to offset the costs of implementing cross-connection control programs

The bill would also authorize local health officers to maintain programs, in cooperation with water suppliers, to protect the public water supply against backflow through service connections, and authorize the local health officers to collect fees from those water users required to install backflow prevention devices to offset the administrative costs of these programs.

The bill would require these programs to be conducted in accordance with backflow protection regulations adopted by the State Department of Health Services

Ch. 1129 (SB 908) McCorquodale Public employees

(1) The existing Public Employees' Retirement Law (PERL) prohibits, with specified exceptions, postretirement employment of a Public Employees' Retirement System (PERS) retiree by the state, a school employer, or a contracting agency unless the person is reinstated in PERS. One exception is reemployment by the state agency in which the person previously served as a PERS member, upon approval of the State Board of Control, for preparation for, or testifying in, certain actual or anticipated legal proceedings regarding matters within or based upon his or her knowledge acquired while employed.

This bill would extend the application of that exception to reemployment by a contracting agency for those purposes

(2) The existing Public Employees' Medical and Hospital Care Act (PEMHCA), requires that PEMHCA be administered by the Board of Administration of PERS for the benefit of public employees and annuitants PEMHCA requires, when greivance proceedings establish that an adequate physician-client relationship cannot be maintained, that the health benefits plan take specified remedial actions.

This bill would, in such cases, instead, authorize the employee or annuitant to change to another health benefits plan, as specified.

(3) This bill would authorize the board to administer self-funded or minimum premi-

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

um health benefits plans A provision of the PEMHCA authorizes the board, without complying with the competitive bidding statutes, to contract with carriers offering health benefits plans This bill would extend the application of that provision to contracts with entities offering services related to the administration of health benefits plans. This bill would establish the continuously appropriated Public Employees' Health Care Fund (PEHCF) and would require employer and employee contributions to be deposited therein and to be credited either thereto or to the existing Public Employees' Contingency Reserve Fund, as specified. The PEHCF would be continuously appropriated to pay benefits and claims costs, administrative costs of self-funded or minimum premium plans, and other necessary costs, and to refund those who made direct premium payments The board would be authorized to invest funds in the PEHCF pursuant to the law governing investment of the Public Employees' Retirement Fund and earned interest would be required to be credited to the PEHCF. Implementation of a plan to consolidate the fee-for-service plans into one self-funded program would be delayed until a specified related legislative committee hearing is held. The board would be required to make various reports to the Legislature regarding the consolidation of fee-for-service plans and self-funding

(4) PEMHCA determines the amount of the state's contribution for health benefits coverage on the basis of a weighted averaged formula which refers to the statewide service plan The board has terminated the only statewide service plan effective July 31, 1987.

This bill would delete that reference and base the formula on the 4 health benefits plans having the largest enrollment, as specified.

(5) This bill would make other related and technical changes.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1130 (SB 1026) Campbell. Spinal cord injuries

Under existing law, no provisions specifically apply to research for spinal cord injuries.

This bill would create the Task Force on Spinal Cord Injuries in the State Department of Health Services which shall be composed of 9 members, as specified, in order to explore the need for additional research in the area of spinal cord injury.

Pursuant to the Budget Act of 1987, $50,000 is appropriated to the State Department of Health Services for purposes of the Task Force on Spinal Cord Injuries.

The bill would reappropriate this $50,000 to the department to be expended for the administrative expenses of the task force.

The bill would remain in effect only until January 1, 1993, and as of that date would be repealed, unless a later enacted statute chaptered prior to January 1, 1993, deletes or extends that date

Ch. 1131 (SB 1095) Campbell Emergency and disaster relief

Existing law establishes within the Reserve for Economic Uncertainties a Disaster Response Emergency Operations Account, which is continuously appropriated for allocation by the Director of Finance, upon order of the Governor, to state and local agencies for costs incurred related to emergencies declared by the Governor The account will remain operative only until June 30, 1988.

This bill would provide instead for allocations from the account to be made (1) by the Director of the Office of Emergency Services, upon an order of the Governor and approval by the Director of Finance, for reimbursement of extraordinary emergency or disaster response operation costs incurred by state-requested local agencies as a result of a state of emergency proclamation by the Governor, and (2) by the Director of Finance for reimbursement of these costs which are incurred by state agencies. The bill would extend the operation of the account to June 30, 1993. By extending the period during which funds in the account may be expended, this bill would constitute an appropriation.

The bill would incorporate additional changes in Section 8690 6 of the Government Code, proposed by SB 1568, to be operative only if SB 1568 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

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

Ch. 1132 (SB 1176) Keene Humboldt Bay· timber crimes.

(1) Existing law prohibits the sale, lease, rental, conveyance, or grant of the right to the use of any state lands in and adjacent to Humboldt Bay south of the entrance to the bay

This bill would delete this prohibition as it relates to lease, rental, conveyance, or grant, thereby continuing the prohibition on the sale of the right to the use of these lands.

(2) Under existing law, a person who maliciously places any iron, steel, or other substance which injures saws in a saw-log, shingle-bolt, or other wood intended to be manufactured into lumber is guilty of a felony

This bill would impose a state-mandated local program by making it a felony to place iron, steel, ceramic, or other substances which damage saws in any tree intended for harvest The bill would also require that any person who violates these provisions and causes bodily injury to another person other than an accomplice be punished by an additional 3-year prison term. This provision of the bill would become operative only if AB 952 is chaptered and would become operative on the date AB 952 is chaptered or the date this bill is chaptered, whichever is later.

(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 declare that it is to take effect immediately as an urgency statute

Ch. 1133 (SB 1132) Robbins. Vehicles. public hazard. scrap metal processors.

(1) Existing law requires the registration of motor vehicles operated on the highway Existing law also provides for the removal and disposition of abandoned vehicles by, among others, persons under contract with the Department of the California Highway Patrol.

This bill would exempt a scrap metal processor, as described, from the requirements for a certificate of nonoperation or payment of fees otherwise required for current registration under specified conditions. The bill would prohibit reconstruction of that vehicle unless it is a vehicle of historic value, as specified.

(2) Under existing law, any peace officer or designated employee who believes that a vehicle has been abandoned may remove the vehicle from a highway, or public or private property, as specified.

This bill would declare that any motor vehicle which is parked on any highway or public right-of-way and which lacks an engine, transmission, wheels, tires, doors, or windshields, or other part or equipment as specified, is a hazard to public health, safety, and welfare and may be immediately removed by a peace officer or designated employee.

(3) Under existing law, a vehicle, estimated by the public agency or the lienholder to have a value of $100 or less, may not be removed unless a notice has been attached to the vehicle for not less than 72 hours before removal.

This bill would exempt from this provision vehicles determined by the public agency causing removal to have a value of $100 or less and removed pursuant to (1) above as a public hazard.

(4) The bill would incorporate additional changes in Section 221 of the Vehicle Code, proposed by AB 1420, to be operative only if AB 1420 and this bill are both enacted and this bill is enacted last.

(5) The bill would incorporate additional changes in Section 22851.3 of the Vehicle Code, proposed by AB 97, to be operative only if AB 97 and this bill are both enacted and this bill is enacted last.

Ch. 1134 (SB 1209) Roberti. Judges' training: family law.

Existing law does not provide for judical training in family law for persons who hear and issue decisions on family law matters.

This bill would require the Judicial Council to establish judicial training programs, as

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

specified, for judges, referees, commissioners, mediators, and others who perform duties in family law matters.

Ch 1135 (SB 1559) Rosenthal Family planning

Existing law requires the Office of Family Planning in the State Department of Health Services to provide family planning services to all former, current, or potential recipients of public social services who request those services, requires county welfare departments to develop and submit to the Health and Welfare Agency a quarterly statistical report, and requires the State Department of Health Services to submit a report containing specified information, by counties, to the Legislature, no later than 60 days after each quarter.

This bill would repeal the provisions requiring the quarterly statistical report and requiring the report by the department to the Legislature and instead require the Office of Family Planning to annually update and analyze family planning data, as specified, and to annually report in a prescribed manner to the Legislature on the results of the update and analysis.

Ch 1136 (AB 2061) Hayden Community college districts interdistrict attendance.

Existing law authorizes the residents of any community college district to attend a community college in any other district in this state, subject to generally applicable admission requirements, and subject to any restrictions set forth in an interdistrict attendance agreement, or a notice of restriction issued by either district

This bill would prohibit any district restriction upon interdistrict attendance, except as authorized pursuant to one or more temporary restrictions imposed by the Board of Governors of the California Community Colleges, based upon specified concerns of any district.

This bill would prohibit a community college district from recruiting students within the boundaries of another community college district, except where authorized under an agreement with that district, as specified.

This bill would prohibit a community college district engaging in outside recruitment from favoring one high school over another, unless it is intended to improve the racial balance of the recruiting community college district

This bill would also authorize the retention in any fiscal year of up to 5% of any district's basic state funding for violation of these provisions, and would require the board of governors to annually report to the Legislature and the Governor regarding the implementation of these provisions, 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 impose a state-mandated local program as to the higher level of instruction and related student services required of any community college district realizing a net increase in student population as a result of the provisions described above.

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

Ch 1137 (SB 1416) Beverly. Public educational institutions

(1) Existing law requires the Superintendent of Public Instruction to allocate urban impact aid to designated school districts, pursuant to a specified allocation formula, for the 1980–81 fiscal year and each fiscal year thereafter.

This bill would delete that provision, instead requiring the superintendent to allocate urban impact aid to unified and other school districts for the 1987–88 fiscal year, as specified.

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

This bill would establish a task force with specified membership to, among other things, review the rationale and purposes of urban impact aid, and to report its findings and recommendations to the fiscal and education policy committees of the Senate and the Assembly on or before March 1, 1988

(2) Existing law requires that, subject to specified provisions of current law, a district resident, as defined, shall be admitted to a community college in another community college district unless the admission would be contrary to the terms of an interdistrict attendance agreement or a notice of restriction. Existing law specifies that a district resident may be entitled to enroll in and may be admitted to a community college district in another district, provided that the governing board of the receiving district has approved the admission and has determined that space is available in that community college. Existing law authorizes community college districts to enter into interdistrict attendance agreements, as prescribed. Existing law authorizes a community college district to adopt a notice of restriction restricting the admission of its residents into a community college of another district, or to restrict the admission of residents of another district into its community college or colleges, as prescribed.

This bill would impose a state-mandated local program by requiring that a district resident, as defined, be admitted to a community college in another district without regard to district boundaries unless the Board of Governors of the California Community Colleges makes specified findings.

This bill would authorize the Board of Governors of the California Community Colleges to impose one or more temporary restrictions upon interdistrict attendance, based upon specified concerns of any district

The bill would require the Board of Governors of the California Community Colleges to adopt any guidelines or regulations necessary to implement the intent of the bill

The bill would prohibit a community college district from actively recruiting out-of-district students unless there is agreed to reciprocity of recruiting, as specified.

This bill would prohibit a community college district engaging in outside recruitment from favoring one high school over another, unless it is intended to improve the racial balance of the recruiting community college district.

This bill would also authorize the retention in any fiscal year of up to 5% of any district's basic state funding for violation of these provisions, and would require the board of governors to annually report to the Legislature and the Governor regarding the implementation of these provisions, as specified.

This bill would provide that any provision in a contract existing between districts on the effective date of this bill would prevail over any conflicting provision in this bill, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

(4) This bill would appropriate $86,635,000 to Section A of the State School Fund for allocation in the 1987–88 fiscal year to certain school districts, as specified

Ch. 1138 (AB 53) Klehs. Income taxes.

The Tax Reform Act of 1986 (Public Law 99-514) enacted by Congress made various substantive changes in the federal income tax laws, and renamed the entire code the "Internal Revenue Code of 1986."

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, various provisions of the federal Internal Revenue Code as enacted as of a specified date are referenced in various sections of the Revenue and Taxation Code Existing law provides that for taxable years beginning on or after January 1, 1986, the specified date of those referenced Internal Revenue Code sections is January 1, 1986.

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

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, 1987, for taxable years beginning on or after January 1, 1987, and thereby would make numerous substantive changes to both the Personal Income Tax Law and the Bank and Corporation Tax Law with respect to those areas of preexisting conformity which are subject to changes under the new federal law and which are not being excepted or modified, such as, among other things, various limitations on deductions It would make certain new provisions of the Internal Revenue Code applicable for purposes of the Personal Income Tax Law, such as provisions relating to limitations of passive losses and credits. It would eliminate, with certain modifications, various previous differences between the Personal Income Tax Law and federal income tax laws, such as, among other things, provisions relating to depreciation, capital gains, and net operating loss carryover deductions for a specified period of time It also would make, for purposes of the Personal Income Tax Law, various changes to existing tax credits, such as the credit for household and dependent care services, would repeal certain existing credits at the end of 1991 or 1992, as specified, and would establish various new tax credits relating to low-income housing, clinical testing of certain drugs, increasing research activities, solar energy systems, military pensions and compensation, political contributions, and certain capital gains.

The bill would revise the current progressive tax rates under the Personal Income Tax Law by making specified changes to the income brackets and by applying a maximum rate of 9.3%, instead of the current 11%.

Under the existing Personal Income Tax Law, an additional tax is imposed on items of tax preference income, as defined

This bill would repeal that tax, and, instead, would impose an alternative minimum tax at a 7% rate which would be determined, with certain exceptions, by reference to federal income tax laws dealing with the alternative minimum tax

Under the existing Personal Income Tax Law, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of the California Election Campaign Fund, the California Seniors' Legislative Fund, the Rare and Endangered Species Preservation Program, the State Children's Trust Fund for the Prevention of Child Abuse, and the United States Olympic Committee Fund.

This bill would repeal these provisions beginning January 1, 1992

This bill would also make various related technical and clarifying supplemental changes to the Personal Income Tax Law

This bill would become operative only if SB 572 is chaptered.

This bill would take effect immediately as a tax levy

Ch. 1139 (SB 572) Garamendi. Bank and corporation taxes.

The Tax Reform Act of 1986 (Public Law 99-514) enacted by Congress made various substantive changes in the federal income tax laws, and renamed the entire code the "Internal Revenue Code of 1986."

Under existing state income tax laws, various provisions of the federal Internal Revenue Code, as enacted as of a specified date as specified in a statute in the Personal Income Tax Law, are referenced in various sections of the Bank and Corporation Tax Law. That law provides that for taxable or income years beginning on or after January 1, 1986, the specified date of those referenced Internal Revenue Code sections is January 1, 1986.

This bill would become operative only if AB 53 is chaptered. AB 53 would change the specified date of those referenced Internal Revenue Code sections to January 1, 1987, for taxable or income years beginning on or after January 1, 1987, and thereby AB 53 and this bill would make numerous substantive changes to both the Personal Income Tax

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

Law and the Bank and Corporation Tax Law with respect to those areas of preexisting conformity which are subject to changes under the newfederal law and which are not being excepted or modified. This bill would make certain new provisions of the Internal Revenue Code applicable for purposes of the Bank and Corporation Tax Law, such as provisions relating to limitations of passive losses and credits. This bill would eliminate, with certain modifications, various previous differences between the Bank and Corporation Tax Law and federal income tax laws, such as, among other things, provisions relating to net operating loss carryover deductions (for a specified period of time) and subchapter S corporations.

The bill also would make, for purposes of the Bank and Corporation Tax Law, various changes to existing tax credits, would repeal certain existing credits at the end of 1991 or 1992, and would establish various new tax credits relating to low-income housing, clinical testing of certain drugs, increasing research activities, and solar energy systems.

Under the existing Bank and Corporation Tax Law, an additional 2.5% tax is imposed on items of tax preference income in excess of $30,000.

This bill would repeal that tax, and, instead, would impose for income years beginning on or after January 1, 1988, an alternative minimum tax at a 7% rate which would be determined, with certain exceptions, by reference to federal income tax laws dealing with the alternative minimum tax.

The existing Bank and Corporation Tax Law imposes on every corporation, other than a financial corporation, doing business within the limits of this state a tax according to or measured by its net income, determined as specified, at the current rate of 9.6% for the privilege of exercising its corporate franchises within this state. Under that law, each subject corporation, in any event, and bank and financial corporation is required to pay annually to the state a minimum tax of $200

This bill would change that current corporation tax rate to 9.3% and also would increase, as specified, that minimum tax. It would also impose, for taxable years beginning on or after January 1, 1988, an annual tax on limited partnerships for the privilege of doing business in this state at a rate identical to the corporation minimum tax rate.

The existing Personal Income Tax Law and Bank and Corporation Tax Law allow a deduction from gross income for ordinary and necessary expenses paid or incurred in carrying on any trade or business.

This bill would disallow for taxable or income years beginning on or after January 1, 1990, a deduction for expenses, as defined, incurred by a taxpayer in connection with a club, as defined, which restricts membership or the use of its services or facilities on the basis of age, sex, race, religion, color, ancestry, or national origin. This bill would also require that a club which discriminates, as provided above, and holds an alcoholic beverage license give written notice on receipts to taxpayers of the nondeductibility of expenses incurred at the club and would make violation of this requirement a crime punishable as a misdemeanor.

This bill would also make various related technical and clarifying supplemental changes to the Bank and Corporation Tax Law.

This bill would require the Franchise Tax Board to conduct various tax related studies to be submitted 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

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

This bill would become operative only if AB 53 is chaptered.

This bill would take effect immediately as a tax levy.

Ch. 1140 (AB 664) Frizzelle. School sites.

Existing law requires the governing board of every school district to provide written notice to the State Department of Education before acquiring title to property for a school site if the proposed site is within 2 miles of an airport boundary. Existing law requires the State Department of Education to investigate the proposed site and, within 30 days of receipt of notice, to submit to the governing board a written report and its

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

recommendations, concerning the acquisition of the site. Existing law also requires the State Department of Education to notify the State Department of Transportation and requires the State Department of Transportation to make an investigation and report to the State Department of Education within 25 days after receipt of notice. Existing law also provides, that the State Department of Education is required to notify the Civil Aeronautics Board or other appropriate agency, in lieu of the State Department of Transportation, of the proposed acquisition, in the event that the State Department of Transportation is no longer in operation.

This bill would require the State Department of Transportation to make its investigation and report to the State Department of Education within 30 working days, rather than 25 days after receipt of notice of the proposed acquisition. This bill would require the State Department of Education to submit its written report and recommendations concerning the acquisition of the site to the governing board within 35 working days, rather than 30 days after receiving notice.

This bill would require the governing board of every school district to provide written notice to the State Department of Education before acquiring title to property for a school site if the proposed site is within 2 miles of an airport runway or a potential runway included in an airport master plan, rather than an airport boundary.

This bill would also provide that the State Department of Education is required to notify the United States Department of Transportation or other appropriate agency, of the proposed acquisition, in the event that the State Department of Transportation is no longer in operation but would not require the State Department of Transportation to investigate or to respond after receiving notice from the State Department of Education.

Ch. 1141 (AB 688) Isenberg. Health care facilities.

Existing law provides that the State Department of Health Services shall administer an inspection and reporting system to assure that long-term health care facilities, as defined, comply with the laws relating to patient care.

Existing law provides that facilities which are found to have violated certain statutes or regulations relating to patient care shall be issued one or more of the various citations, as defined, and be subject to civil penalties depending upon the severity of harm or risk of harm to which the patient was exposed.

Existing law classifies the various violations as class "AA," class "A," class "B," and other minor violations as prescribed by regulation

Under existing law, if the State Department of Health Services meet the burden of proving the existence of a class "AA" violation, the licensee shall have the burden of proving that the licensee did what might reasonably be expected of a long-term health care facility licensee, acting under similar circumstances, to comply with the regulation which is the subject of the class "AA" violation, and if the licensee sustains that burden, the citation for that violation may be reduced

This bill would authorize reduction or dismissal of the citation for an "AA" violation if the licensee sustains that burden, and would apply that burden upon a licensee if "A" or "B" violations are established by the State Department of Health Services. Those revisions of existing law by this bill would remain operative only until December 1, 1990.

The bill would require the Director of Health Services to report to the Legislature on the impact of those provisions of this bill by January 1, 1990

Existing law provides, through the Medi-Cal program, basic health care services to qualified categories of low-income individuals, including the provision of services for residents of skilled and intermediate care facilities.

This bill would require the State Department of Health Services to require certain health facilities which indicate they no longer wish to be Medi-Cal providers, with specified exemptions, to continue to provide care services to Medi-Cal eligible patients who were patients of the health facility at the time the facility files a notice of intent to withdraw from the Medi-Cal program.

The bill would declare that it is to take effect immediately as an urgency statute

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

Ch. 1142 (AB 2222) W. Brown. Health: eating disorders.

Existing law does not specify eating disorders to be treated in any particular facility or location.

This bill would permit the inpatient treatment of eating disorders, as defined, to be provided only in general acute care hospitals, acute psychiatric hospitals, or other health facilities designated by the State Department of Health Services. Since a violation of these provisions would be a misdemeanor, this bill would be 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 making that reimbursement.

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

Ch. 1143 (AB 226) Felando. School health services.

Existing law requires the governing board of a school district to give diligent care to the health of pupils, and authorizes school district governing boards to employ properly certified persons, including school nurses, for that purpose.

This bill would express legislative intent regarding maintenance of the level of school health services, and would make a legislative finding that those services may be in jeopardy due to current caseloads.

This bill would require that the State Department of Health Services conduct a study, as specified, and to make its report available to the Legislature, the Governor, the Superintendent of Public Instruction, and to the public by July 30, 1988.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1144 (AB 229) Leonard. Sales and use taxation.

(1) Existing Sales and Use Tax Law requires every retailer engaged in business in this state who makes sales of tangible personal property for storage, use, or other consumption in this state for which use tax is owed to collect the use tax from the purchaser, as specified, and to give to the purchaser a receipt therefor. The phrase "retailer engaged in business in this state" is defined, for purposes of this duty of use tax collection, to include specified retailers.

This bill would expand the definition of a "retailer engaged in business in this state" thereby making additional retailers subject to the duty of use tax collection.

(2) Under the existing Sales and Use Tax Law, returns generally must be filed and the tax paid quarterly, on or before the last day of the month following the quarterly period. However, if the State Board of Equalization determines that the taxpayer's taxable transactions average $17,000 or more per month, monthly prepayments of tax must be made in a prescribed manner.

This bill would instead make the prepayment of tax applicable to any person whose estimated measure of tax liability averages $50,000 or more per month. These prepayment provisions would become operative as specified only if the Attorney General certifies to the Legislature and the Executive Secretary of the State Board of Equalization that the provisions described in (1) above are legally enforceable under the United States Constitution, as determined by a final adjudication in the courts, and the Department of Finance certifies to the Legislature that the revenues attributable to the provisions described in paragraph (1) above are being remitted to the State Board of Equalization.

Ch. 1145 (AB 677) Moore. Sales and use taxes: collection.

Existing Sales and Use Tax Law requires every retailer engaged in business in this state who makes sales of tangible personal property for storage, use, or other consumption in this state for which use tax is owed to collect the use tax from the purchaser, as specified, and to give to the purchaser a receipt therefor. The phrase "retailer engaged in business in this state" is defined, for purposes of this duty of use tax collection, to include specified retailers.

This bill would expand the definition of a "retailer engaged in business in this state"

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

to include certain retailers soliciting orders for tangible personal property by means of a telecommunication or television shopping system or by mail, as specified, thereby making additional retailers subject to the duty of use tax collection.

This bill would incorporate additional changes in Section 6203 of the Revenue and Taxation Code, proposed by AB 229, to be operative only if AB 229 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 1146 (AB 733) Hughes. School buildings: earthquake safety.

Under existing law, the State Allocation Board loans funds for the repair, reconstruction, or replacement of school buildings.

This bill, which would establish the Hughes Earthquake Safety Act of 1987, would authorize the board to establish criteria that considers special circumstances under which funds may be allocated for the reconstruction of nonconforming buildings. The funds allocated in accordance with these provisions would be required not to exceed 75% of the cost of facility replacement.

The bill would prohibit the use of a leased building as a school building after September 1, 1990, if it does not meet specified requirements.

The bill would authorize the governing board of a school district to request and obtain from the board authority for the use of any building used by the district under a lease or lease-purchase agreement not meeting specified structural standards for a maximum of 3 years, upon presentation of satisfactory evidence to the board that the district is proceeding in a timely manner with a construction program that will eliminate the need for the leased facilities within that time period.

Ch 1147 (AB 766) M. Waters Motor vehicle· assault

(1) Existing law does not provide a motor vehicle forfeiture procedure based upon a conviction of a person using a motor vehicle in the commission of certain offenses where the victim was killed, attacked, or assaulted as the result of a discharge of a firearm from or in a motor vehicle

This bill would require the court, upon the conviction of a person who used a vehicle in the commission of a violation of the above-stated crimes, to order the forfeiture and sale of the vehicle used in the commission of that offense if the defendant is the registered owner of the vehicle, except as specified The bill would also require the sheriff of the county or the chief of police of the city in which the violation occurred to sell the vehicle, as specified. The bill would authorize the legal owner to conduct the sale or disposition of the vehicle, as specified, after giving notice to all registered and legal owners of the vehicle as shown in the records of the Department of Motor Vehicles. The proceeds from the sale, after deductions for the cost of the sale and deductions for various other specified types of interest holders in the vehicle, would be deposited in a specified account in the general fund of the city or county in which the violation occurred to be used for certain specified purposes It would thus create a state-mandated local program by increasing the level of service required of local law enforcement agencies

(2) Existing law requires an additional term of imprisonment in the state prison for 2 years upon the conviction of a person for personally using a firearm in the commission or attempted commission of a felony.

This bill would, notwithstanding the above, impose an additional term of imprisonment in the state prison for 5 years upon any person who, with the intent to inflict great bodily injury, as defined, or death, inflicts that injury, or causes the death of a person, other than an occupant of a motor vehicle, as a result of discharging a firearm from a motor vehicle in the commission of a felony or attempted felony.

(3) Existing law makes it a misdemeanor for the driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner is occupying the vehicle, to, among other things, knowingly permit any other person to discharge a firearm from the vehicle

This bill would increase the punishment prescribed for that crime to no more than 1 year in county jail, or imprisonment in the state prison for 16 months or 2 or 3 years.

(4) Existing law makes it a misdemeanor or felony for any person to willfully and

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

maliciously discharge a firearm from a motor vehicle

This bill would additionally make it a felony for any person to willfully and maliciously discharge a firearm from a motor vehicle at another person other than an occupant of a motor vehicle, thereby constituting 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 specified reasons.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1148 (AB 823) Areias State agencies: Department of Personnel Administration.

(1) Existing law requires the chief counsel of the Department of Personnel Administration to represent the department in all legal matters The department is required to charge state agencies for costs incurred in rendering legal services in specified situations.

This bill would permit, rather than require, the department to charge state agencies for these costs.

(2) Existing law requires the Department of Personnel Administration to perform various functions and duties relating to state employees.

This bill would permit the department to enter into contracts for the provision of legally authorized employees benefits, as specified, and would require the Controller to pay contractors pursuant to the master payment schedule and the certification from the department

(3) Existing law specifies the rate of contribution for state peace officer/firefighter members in the Public Employees' Retirement System

This bill would require, for Bargaining Unit 8, that member contributions in premium compensation for planned overtime paid at the "half-time" rate as part of the regular shift under the federal Fair Labor Standards Act or the Memorandum of Understanding of State Bargaining Unit 8, be waived for the period April 15, 1985, through June 30, 1988, effective only if the Board of Administration approves a waiver of employer contributions on the same premium compensation for the same period of time. The bill would require that if these provisions are approved by the board, benefits be calculated at the one-half time rate

(4) Existing law requires that if an agreement is reached between the Governor and the recognized employee organization, they shall jointly prepare a written memorandum of understanding which is presented, when appropriate, to the Legislature for determination.

Existing law requires further that if a memorandum of understanding requires the expenditure of funds, it shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve specified memoranda of understanding and would provide that any memoranda of understanding which requires the expenditure of funds would become effective even if approved by the Legislature in legislation other than the Budget Act

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

Ch. 1149 (AB 1251) Zeltner Medi-Cal. billing intermediaries.

Existing law provides basic health services for qualified low-income persons through the Medi-Cal program, which is administered by the State Department of Health Services.

This bill would require billing intermediaries to register with the State Director of Health Services and obtain an identifier code, which shall be part of Medi-Cal claims submitted by any billing intermediary, would require any provider using a billing intermediary to notify the director of the name and address of the billing intermediary, and would authorize denial or withdrawal of an intermediary's registration in certain circumstances.

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

The bill would specify that its provisions shall become operative July 1, 1988.

Ch. 1150 (AB 1300) W Brown. Financial instruments when credited

Under existing law, state agencies regulating depository institutions are required annually to establish a reasonable period of time within which a depository institution must permit a depositor to draw on an item deposited in the depositor's account.

This bill would provide that funds deposited in depository institutions shall be available on the 2nd business day after the business day on which those funds were deposited in the case of a cashier's check, certified check, teller's check, or depository check, as specified. The time limitations of the bill would not apply to a depository check if the receiving depository institution reasonably believes the check is uncollectible from the originating depository institution, that the drawer or drawee has been, or will imminently be, adjudicated a bankrupt or placed in receivership, or that the depository check is involved in a fraud or "kiting" scheme. In these cases, the bill would require that specified notice be given to the drawer and drawee of the item.

The bill would state that in the event of a suspension or modification of any similar provisions in the federal Expedited Funds Availability Act, the effect of specified provisions of the bill shall be similarly suspended or modified.

Ch. 1151 (AB 1544) McClintock. Common interest developments.

Existing law provides that the managing association of a common interest development is responsible for maintaining the common areas, other than the exclusive common areas, and the owner of each separate interest is responsible for maintaining that separate interest and any appurtenant exclusive use common area

This bill would specify, generally, the responsibility for the repair, replacement, or maintenance of common areas of a common interest development, and would set forth the responsibility for the repair and maintenance of termite or similiar damage in various types of common interest developments, as well as notice of repair requirements and cost allocation, as specified.

The bill would also specify the rights of an owner of a separate interest to access to common areas for the purpose of maintaining telephone wiring.

Ch. 1152 (AB 1528) N. Waters. Agriculture: pest control and foreign market research.

(1) Existing law authorizes the Director of Food and Agriculture to enter into an agreement with specified organizations under which public or private agencies may conduct research to determine methods by which agricultural commodities may qualify for entrance into foreign markets. Existing law requires the state to provide 50% of the funds necessary to conduct this research and requires the other parties to provide the remaining 50%.

This bill would expand the list of specified organizations and would require the state to provide up to 50% of the necessary funds and would require the other parties to the agreement to provide an amount equal to or greater than that contributed by the state.

(2) Existing law, until January 1, 1989, requires the Department of Food and Agriculture to undertake the administration of a program to fund agricultural pest control research, including the identification and development of alternative chemicals, control devices, and techniques which may be available to replace ethylene dibromide (EDB)

This bill would specify that the program is to have a predominant emphasis on developing nonchemical and, secondarily, on integrated nonchemical and chemical postharvest techniques for better pest control to further promote the export of this state's perishable agricultural commodities. The bill would make conforming changes to related laws.

The bill would require the director to give preference under the program to those research projects proposed by federal and state marketing order boards and state agricultural commissions and sets forth the criteria to be considered before granting approval.

(3) The director is advised in administering the pest control research program by the Pest Control Research Committee which has a specified membership appointed by

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

various appointing powers.

The bill would revise the qualifications of members appointed by the director.

(4) The pest control research program is funded through the Agricultural Pest Control Research Account in the Department of Food and Agriculture Fund and Budget Act appropriations.

The bill would state the intent of the Legislature that sufficient funds, not to exceed $250,000, be appropriated annually from the account to fund the pest control research program and the foreign market research described in (1) above through the 1991–92 fiscal year.

(5) The bill would continue the pest control research program until January 1, 1993.

Ch. 1153 (AB 1594) Tucker. Health facilities: citations.

Existing law requires the State Department of Health Services to investigate complaints concerning long-term health care facilities and otherwise regulate those facilities. The department may issue various citations for violations of laws relating to those facilities and the licensee may contest the citations.

This bill would require that a class "A" or class "AA" citation issued to a long-term health care facility which is appealed expires if the Attorney General has not filed a court action within one year from the date the facility notifies the department of its intent to contest the citation in court. The bill would require the department, notwithstanding the 5-day limit prescribed by an existing provision of law, at the facility's request, to conduct a citation review conference within 35 days from the date of the request

Ch. 1154 (AB 1700) Roos. School facilities: construction.

(1) Existing law prescribes the maximum building area allowed to a school district for attendance units of the district in kindergarten and grades 1 to 12, inclusive, as to any project funded under the Leroy F Greene State School Building Lease-Purchase Law of 1976.

This bill would increase, as specified, the amount of project funding otherwise allowed for a multistory school facility to include designated fire safety, handicapped access, playground apparatus, and other building costs.

This bill would also provide that, for any applicant district that is eligible for project funding of new facilities construction on an existing school site that has less than 50% of the land indicated by designated administrative guidelines, the area of allowable new building construction for that project is increased by the square footage of any one-story school facility or facilities to be replaced under the project by one or more multistory school facilities.

(2) Existing law requires the State Allocation Board to exclude the area of enclosed stairs and appropriate landings for each floor level served from the computation of the allowable building area of multistory buildings for any applicant school district.

This bill would require the board to count the area of enclosed hallways, as defined, on the 2nd or higher story of any building as ⅔ of the actual area.

(3) This bill would provide a mechanism whereby the board would be required to grant supplemental project funding, computed as specified, to applicant school districts on the basis of the number of pupils per acre.

(4) This bill would specify that the total amount of supplemental project funding an applicant school district may receive under this bill may not exceed a specified amount, and would apply certain conditions to its expenditure by the district

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1155 (AB 2142) Tanner. Crimes.

Under existing law, except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to persons in certain specified cases.

This bill would prohibit the granting of probation under the above provision when any person, in the commission of a felony, inflicts great bodily injury or causes the death of a human being by the discharge of a firearm from or at an occupied motor vehicle proceeding on a public street or highway.

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

This bill would incorporate additional changes to Section 1203 of the Penal Code, proposed by SB 582, to be operative only if SB 582 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last. These changes would become operative on the operative date of SB 582.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1156 (AB 2233) Bronzan. Hazardous substances: treatment technologies· demonstration projects.

Under the Carpenter-Presley-Tanner Hazardous Substance Account Act, the State Department of Health Services is required to adopt criteria for the priority ranking of hazardous substance release sites for remedial action, and to publish and revise annually the list of sites, as categorized by one of 3 lists The funds appropriated to the department for removal and remedial action are required to be expended in accordance with this ranking. The department or the appropriate California regional water quality control board is required 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 cost effectiveness of alternative remedial measures The costs incurred by the Hazardous Substance Account or Hazardous Substance Cleanup Fund for removal or remedial actions are required to be recovered from the liable person.

This bill would make a statement of legislative intent and would require the department to carry out a program of full-scale demonstrations to evaluate treatment technologies for removal and remedial actions, by (1) identifying sites by July 1, 1988, for technology demonstration projects pursuant to specified criteria; (2) soliciting treatment demonstration project proposals by July 1, 1988; (3) selecting 3 projects to be demonstrated by January 1, 1989, and 2 each year thereafter; and (4) collecting, evaluating, and disseminating information on the technologies demonstrated. The department would be authorized to determine not to attempt the recovery of the costs of a removal or remedial action from the liable person if the costs are attributable to the use of an alternative treatment technology. The department would be required to consider the cost effectiveness when preparing or approving a remedial action plan for a project but would not be required to choose the most cost-effective measure.

Ch. 1157 (AB 2416) Zeltner Crimes

(1) Existing law specifies the duties of the Commissioner of the California Highway Patrol

This bill would require the Commissioner of the California Highway Patrol to assign additional traffic officers to those counties which are experiencing the greatest level of freeway violence, and would require the commissioner to immediately hire 150 traffic officers and 30 support personnel for the purposes of addressing incidents of freeway violence.

(2) Existing law, contained in the Budget Act of 1987, includes a $2,000,000 item of appropriation for payments of deficiencies in appropriations for the Department of the California Highway Patrol, as specified, from the Motor Vehicle Account in the State Transportation Fund

This bill would increase the amount of the above appropriation from $2,000,000 to $4,000,000

This bill also would appropriate $7,300,000 from the Motor Vehicle Account in the State Transportation Fund to the Department of the California Highway Patrol for specified purposes.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1158 (AB 2519) Campbell Crimes· driving offenses.

Under existing law, $50 of each fine for a conviction of specified driving offenses is required to be deposited in a special account for the purpose of paying for the cost of performing for the county, or a city within a county, laboratory analyses for alcohol content or the presence of drugs, and $50 of each fine is required to be deposited in a special account to be used for a county's alcohol programs

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

This bill would provide that the Board of Supervisors of Contra Costa County may, by resolution, authorize the imposition of a $50 assessment by the court upon each defendant convicted of designated vehicular offenses for deposit in the account from which the $50 distribution established under current law is deducted.

Ch. 1159 (SB 117) C. Green. Firearms.

Existing law provides for the imposition of specified additional punishment for the use of a firearm in felony cases.

This bill would provide an additional term of imprisonment of 5 years, which would be in addition and consecutive to the sentence prescribed for the offense, for any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person unlawfully discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to the person of another

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1160 (SB 157) Rogers. State agencies: contracts: late payment.

Existing law requires a state agency to pay interest to contractors on payments overdue under contracts for property or services. Existing law requires state agencies which are authorized to pay contractors directly to pay the contractor within 50 calendar days after the postmark date of the invoice when no payment date is specified by the contract. However, existing law also provides that interest on these payments shall begin to accrue on the 36th calendar day after the postmark date of the invoice.

With regard to payments to be made directly to contractors, this bill would change the date at which interest begins to accrue to the 51st calendar day, rather than the 36th day, after the invoice postmark date in cases where no payment date is specified by the contract. This bill also provides that state agencies which must submit invoices to the Controller's office for payment must do so by the 35th day after the invoice postmark, and that interest will begin to accrue on the 36th calendar day after the invoice postmark if the state agency has not properly submitted the invoice to the Controller

The bill would prohibit state agencies from making interest penalty fee payments of less than $5.

The bill also revises the language of the applicable provisions to read "interest penalty fee," rather than "interest."

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 1161 (SB 212) Presley. Health facilities long-term health care facilities.

Existing law authorizes the State Department of Health Services to license, investigate, and inspect long-term health care facilities, as defined. A person may make a complaint to the department requesting an investigation of an alleged violation of the law. The complainant may, if dissatisfied with the department's determination, request an informal conference with a designee of the director If dissatisfied with the determination of the director's designees, the complainant may, within 5 days, notify the Deputy Director of the Licensing and Certification Division, who makes a review

This bill would allow the complainant 15 days within which to make the notification and would require the Complainant Appeals Unit to make the review, as specified.

Under existing law, if a licensee contests a citation or decision made following a citation review conference where penalties do not exceed $15,000, either the state or the licensee may elect to submit the matter to binding arbitration

This bill would require the arbitrator's decision to specify, in writing, the facts and circumstances of the disagreement, and the evidence upon which the decision is based.

Under existing law, providers of Medi-Cal services are reimbursed for providing services to eligible recipients Until an automated eligibility system is implemented, a hospital or licensed primary care clinic may not be prohibited from receiving reimbursement for Medi-Cal services solely due to the absence of proof of eligibility labels if specified conditions are met.

This bill would make that provision applicable to long-term health care facilities, as defined.

This bill would incorporate additional changes in Section 1428 of the Health and Safety

---

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

Code, proposed by SB 73, to be operative only if SB 73 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

Ch. 1162 (SB 295) Vuich. Savings associations

(1) Existing provisions of the Savings Association Law provide for fines of not more than $5,000 or specified imprisonments for performing certain acts in violation of that law.

This bill would increase the maximum amount of those fines to $10,000. The bill would provide for a fine or imprisonment, or both, for an officer, director, employee, or agent of a savings association to perform certain specified acts relating to fraud and deception under the Savings Association Law, and, thus, would impose a state-mandated local program by creating a new crime.

(2) Existing law provides for a fine not to exceed $1,000 for violating designated provisions dealing with holding companies and stock acquisitions.

This bill would apply that fine to any violation of the Savings Association Law.

(3) Existing law regulates the issuance of capital stock of savings associations.

This bill would prohibit an association from making loans secured by its capital stock.

(4) Under existing law, an association is prohibited from performing certain specified acts dealing with the business of the association without the prior approval of the Savings and Loan Commissioner

This bill would in addition require approval of the commissioner prior to an association amending its bylaws

(5) Under existing law, relating to merger or consolidation under the Savings Association Law, the executed merger or consolidation agreement and the respective certificate of each constituent association and of the surviving association or any other corporation is required to be filed with the Secretary of State, upon which occurrence the merger or consolidation becomes effective.

This bill would revise that provision by requiring that the agreement and respective certificate of each constituent association or any other corporation and of the surviving association be so filed. The bill would specify, with prescribed exception, that if the resulting association is a federal association, the effective date of merger shall be the date the merger is effective under the regulations of the Federal Home Loan Bank Board.

(6) Under existing law, an association is authorized, with prescribed exceptions, to declare and pay dividends on capital stock, in cash or property out of the unreserved and unrestricted earned surplus of the association, or in its own shares.

This bill would, instead, authorize an association that declares and pays dividends to distribute its own shares or make payments in cash or property, under prescribed conditions, if there is a sufficient balance of unappropriated retained earnings as prescribed. The bill would require prior approval of the commissoner to distribute permanent capital or paid in surplus and authorize the commissioner to bring an action for the benefit of the association to recover any improper distribution, as specified.

(7) Existing law specifies the type of investments that an association is authorized to make.

This bill would prohibit an association, with prescribed exceptions, without written approval of the commissioner, from purchasing, selling, or paying interest on or dividends involving, gold or silver bullion or related instruments or securities.

(8) Under existing law, an association is authorized, subject to regulations of the commissioner, to make loans to, or acquire loans made to any director, officer, or affiliated person or to any parent or subsidiary, or make any loans the proceeds of which are intended to inure to the benefit of these parties.

This bill would specify that loans made or acquired, directly or indirectly, the proceeds of which are intended to inure or have inured to the benefit of these parties are subject to the same regulations.

(9) Existing law prohibits a savings association from making an investment in real property or a real estate loan until a qualified person or persons engaged directly by the association and approved by the board of directors perform certain functions

This bill would, instead, require that one or more reports be submitted, as prescribed, by a person or persons meeting the qualification standards for an appraiser as set forth

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

in the commissioner's regulations, and specify that no commitment to disburse shall be made by the association until that person or persons are duly appointed and qualified as appraisers by the board of directors of the association in order to perform those required functions.

(10) Existing law contains certain provisions dealing with foreign associations which will be superseded by recently enacted provisions dealing with foreign (regional) savings companies, which are to become operative July 1, 1987, and foreign (national) savings companies which will become operative January 1, 1991.

This bill would recast those provisions, as specified, as part of the newly enacted law and would revise those provisions to make reference to a foreign savings association rather than a foreign savings company and would exclude federal associations from the definition of "foreign savings association." The bill would exempt qualified foreign savings associations, as defined, from the usury restrictions in the California Constitution. The bill would increase the maximum monetary fine from $5,000 to $10,000 in the provisions prohibiting a foreign association from unlawfully soliciting the sale of stock or savings accounts and would delete the existing prohibition regarding the sale of stock.

(11) Existing law requires the county assessor to disclose information, furnish abstracts, or permit access to all records in the assessor's office to specified persons

This bill would include employees of the Controller for property tax postponement purposes and the staff appraisers of the Department of Savings and Loan within these provisions, thus imposing a state-mandated local program

(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 no reimbursement is required by this act for specified reasons

(13) This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1163 (SB 362) Robbins. Insurance· professional mental health services coverage

Existing law makes no provision prohibiting health insurers from requiring a waiver of professional mental health services by individual applicants for health insurance coverage

This bill would do so. Specifically, with respect to nongroup contracts of health care service plans, disability insurance, nonprofit hospital service plans, and self-insured employee welfare benefit plans, all of which include mental health services, it would prohibit the inclusion of a lifetime waiver of professional mental health services with respect to any applicant or employee

Existing law requires that if the terms and conditions of coverage by a nonprofit hospital service plan include coverage for services with regard to mental or nervous disorders in a general acute care hospital or an acute psychiatric hospital, as defined, and do not restrict or modify the choice of providers, the coverage shall extend to care provided by a psychiatric health facility, as specified.

This bill would recast the above provision to specify that the plan which covers hospital, medical, or surgical expenses, and which includes coverage for inpatient care for nervous or mental disorders, shall provide coverage for treatment at a general acute care hospital, an acute psychiatric hospital, and a psychiatric health facility, as defined. It would also specify that the provision does not prohibit the plan which negotiates and enters into a contract with a professional or institutional provider for alternative rates of payment, as specified, from restricting or modifying the choice of providers

Ch. 1164 (SB 370) Royce. Public Employees' Retirement System

The Public Employees' Retirement Law (PERL) provides an alternative, optional retirement plan designated the Second Tier, for certain state miscellaneous and industrial members and for members employed by the judicial branch of state government, with, among other things, automatic membership for new hires but with an option to elect within 120 days to be subject to the original tier, an employee contribution rate of 0%, an election for Second Tier by members of the original tier for only future service

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

or for both past and future service with a refund of the accumulated employee contributions in the original tier, and an irrevocable election until January 1, 1989, and prior to retirement, by state miscellaneous and industrial members with at least 10 years of service credit who permanently separated from state service prior to July 1, 1985, to participate in the Second Tier.

This bill would specify that the effective date of the election of a new hire to be subject to the original tier shall be the date on which the new hire became a state miscellaneous or industrial member. This bill would also specify that the refunding of accumulated contributions to those permanently separated members who elect to be subject to the Second Tier does not terminate their membership in the system. This bill would broaden the definition of "permanently separated" to include a member who has been separated from state service for not less than 6 months and also provide that the member would be paid his or her accumulated contributions upon request regardless of the fact the member reenters state service prior to receipt of the refund. This bill would also provide that the formula for determining the cost of purchasing public service credit for service rendered prior to becoming subject to the Second Tier shall be based on the contribution rate and compensation earnable by the member on the last day of the prior service.

The PERL defines, for retirement purposes, the term "compensation" through specified included and excluded categories.

This bill would, with respect to that definition of "compensation," specifically exclude, for a university member appointed under a University of California health sciences compensation plan, past or future supplemental payments made pursuant to any such plan

The PERL authorizes public agencies to participate in PERS by entering into a contract with PERS but prohibits a public agency which has previously terminated a contract from entering into a subsequent contract within 5 years of the termination.

This bill would reduce that waiting period from 5 to 3 years.

The PERL provides that when, on date of death, no beneficiary designation is in effect, any benefit payable shall be paid share and share alike to the survivors in the following order: (1) the member's spouse; (2) each of the member's children and all surviving children of each deceased child of the member; (3) the member's parents; and (4) the member's brothers and sisters.

This bill would delete as payees all surviving children of a deceased child of the member.

This bill would also make other technical, corrective, and clarifying changes and would delete outdated provisions.

Ch. 1165 (SB 428) Beverly. Medi-Cal.

Under existing law, bills for services covered under the Medi-Cal program are required to be submitted within a specified period.

This bill would specify that no further follow-up shall be required after a provider of Medi-Cal services receives acknowledgement of a claim inquiry from the fiscal intermediary, until the claim is paid or denied, not to exceed one year, and would specify that on or after one year from the date of acknowledgement, the next level of appeal shall be utilized by the provider.

Ch. 1166 (SB 438) Mello. Adult protective services.

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 authorize the disclosure of that information in communications relating to the prevention, investigation, or treatment of elder abuse or dependent adult abuse

Existing law provides 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

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

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.

This bill would extend until January 1, 1990, the date on which authorization for the model projects would be repealed

Existing law appropriates $1,000,000 from the General Fund 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 is precluded until the adoption by the department of standards to be met by grantees.

The bill would delete the appropriation and provide that funding for the model projects be provided through the budget process subject to the same requirements.

Existing law requires 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 revise the content of the required report and would change the date the report is required to be submitted to November 1, 1988, and would require the department to submit a final report to the Legislature at the conclusion of the model projects.

Existing law provides that adult protective services may include, but are not limited to, certain enumerated services.

This bill would add the use of a multidisciplinary personnel team, as defined, in order to obtain information and records necessary for adult protective services to these provisions. It would permit the disclosure of information and records among those on the team, but otherwise with respect to information obtained by the team, would expressly make the team subject to the same obligations and confidentiality penalties as the person disclosing or providing the information It would require the information obtained by the team to be maintained in a manner ensuring maximum protection of privacy and confidentiality rights.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1167 (SB 477) B Greene. Hazardous waste management plan

(1) Existing law authorizes a county, in lieu of preparing the hazardous waste portion of the solid waste management plan, or a city, as specified, to adopt, by September 30, 1988, a hazardous waste management plan pursuant to guidelines adopted by the State Department of Health Services, and specifies the procedures for the preparation, revision, adoption, approval, and amendment of these plans The plan is required to include specified elements, including an identification of general areas or specific sites for new hazardous waste facilities determined to be needed. Within 90 days after the department approves a plan, the county is required to incorporate the plan into the county's general plan or enact an ordinance requiring that specified land use decisions be consistent with the plan

This bill would delete the identification of specific sites for new facilities from the elements required to be included in the plan. The bill would extend this 90-day period to 180 days, and would require the ordinance enacted by the county to require that land use decisions be consistent with the portions of the plan which identify specific sites or siting criteria for hazardous waste facilities. The bill would also require each city within a county that has an approved plan to adopt a city hazardous waste management plan, incorporate the plan into the city's general plan, or enact an ordinance requiring that land use decisions be consistent with the specified portion of the plan, thereby imposing a state-mandated local program.

The bill would specify that these provisions do not limit the authority of a city to take specified actions concerning land use approvals, planning requirements, or siting criteria.

(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

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

other procedures for claims whose statewide costs exceed $500,000

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

Ch. 1168 (SB 531) Campbell. State Fire Marshal· violations of statutes relating to fire protection apprenticeship program

(1) Under existing law, one of the duties of the State Fire Marshal is to promote participation in, sponsor, and administer the California Firefighter Joint Apprenticeship Program, as the preemployment recruitment, selection, and training system to be utilized for entry level firefighters.

This bill would require that the State Fire Marshal jointly, with the California Professional Firefighters, promote participation in, sponsor, and administer the program.

(2) Under existing law, whenever in the judgment of the State Fire Marshal any person is engaging in any acts or practices which constitute or will constitute a violation of statutory provisions relating to fire protection, or any rule, regulation, or order issued thereunder, at the request of the State Fire Marshal, the district attorney of the county in which the acts or practices occur or will occur or the Attorney General is authorized to make application to the superior court for an order enjoining the acts or practices, or for an order directing compliance. These provisions are effective only until January 1, 1988, and as of that date are repealed

This bill would continue these provisions in effect indefinitely.

(3) This bill would incorporate additional changes in Section 13142.4 of the Health and Safety Code, proposed by AB 216, to be operative only if AB 216 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

Ch. 1169 (SB 545) Watson Immunity of professional societies.

Under existing law, professional societies, which include, among others, legal, medical, psychological, and engineering organizations, which have at least a majority of the eligible persons or licentiates in the geographic area served by the particular society, are immune from monetary liability, as specified

This bill would require that a professional society with 100 or more members have only 25% of the eligible persons or licentiates in the geographic area served by the society to qualify for the above-mentioned immunity. Those professional societies with less than 100 members would, however, be required by this bill to have at least a majority of eligible persons or licentiates in the geographic area served by the society to qualify for this immunity.

Ch 1170 (SB 556) Seymour. Vehicles: violations

Existing law prescribes the amount of fines for violations of the Vehicle Code or any local ordinances adopted pursuant to the code.

This bill would increase the fine for operating a bus, motor truck, or truck tractor having 3 or more axles, or any motor truck or truck tractor drawing any other vehicle, in violation of specified speed limit provisions to $100 for the first conviction and $300 for a second or subsequent conviction

Ch. 1171 (SB 766) Torres. Health facilities.

(1) Under existing law, the Office of Statewide Health Planning and Development is required to adopt building standards for the adequacy and safety of health facility physical plants.

Existing law also empowers the State Department of Health Services to adopt licensing standards for services provided by health facilities, including outpatient hospital services.

This bill would prohibit building standards adopted by the office for freestanding physical plants housing outpatient hospital services, and the licensing standards adopted for outpatient hospital services by the department, from being more restrictive or

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

comprehensive than comparable standards for clinics.

The bill would also prohibit the department from enforcing any standard applicable to outpatient services located in a freestanding physical plant, as defined, of a licensed general acute care or acute psychiatric hospital, if that standard is more restrictive or comprehensive than the comparable standard for clinics.

(2) The bill would permit a general acute care or acute psychiatric hospital to provide in any alternative setting health care services and programs which may be provided by any other provider of health care outside of a hospital building or which are not otherwise specifically prohibited by specified provisions of law, in accordance with specified criteria.

This bill would permit the department, pending the adoption of regulations, to grant temporary approval for a health facility to provide alternative services, or to provide services in alternative settings, based on standards to be developed by the department and the office with the mutual agreement of the health facility

(3) The bill would, however, require that notwithstanding item (1) above, all health care professionals providing services in specified settings be members of the organized medical staff of the facility, as specified, and that all services be provided under the respective responsibilities of the governing body and medical staff of the facility

(4) Since a violation of provisions relating to health facilities is a misdemeanor, and since the bill would permit new regulations to be adopted binding upon hospitals, the bill would create new law enforcement duties upon local agencies, thereby constituting 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. 1172 (SB 817) Rosenthal Telephones· public telephone service.

(1) Under existing law, the regulation of the furnishing of commodities and services by public utilities, including telephone corporations, and the rates charged for them, is subject to the regulation and control of the Public Utilities Commission.

This bill would prohibit a telephone corporation furnishing local service from removing any public telephone unless a specified notice regarding removal is posted for at least 30 days, except in the case of removal for public safety or public nuisance purposes or at the request of the owner or lessee of the property.

The bill would also require every telephone corporation furnishing local service, on or before March 1, 1988, and annually thereafter, until January 1, 1992, to provide to its residential subscribers a description of its public telephone service and its policies for furnishing public telephone service, including policies of public need and safety and how a customer or subscriber can contact the corporation for additional information. The bill would direct the commission to require this information to be published separately from, but to be transmitted to subscribers together with, specified information required under other provisions of law. The bill would also make a statement of legislative intent in this regard

Under other provisions, a violation of these requirements by a telephone corporation would be a crime, 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 1173 (SB 839) Torres. Acupuncture

(1) Existing law provides that the performance of acupuncture by an unlicensed person or a certified acupuncturist is exempt from the Medical Practice Act when carried on in a program affiliated with or under the jurisdiction of an approved medical school for the primary purpose of the scientific investigation of acupuncture.

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

This bill would revise that exemption by deleting the performance of acupuncture by an unlicensed person, adding the performance of acupuncture by a licentiate legally authorized to practice acupuncture or a person licensed in another state to perform acupuncture, and by including the performance of acupuncture in an approved medical school or acupuncture school.

(2) Existing law requires the Acupuncture Examining Committee to issue an acupuncturist certificate to any person meeting specified requirements, including, among other things, evidence of completion of (a) an educational and training program, (b) a tutorial program, or (c) documented educational training and clinical experience which meets specified standards.

This bill would provide that the documented training and experience requirement shall only apply to an applicant who has completed education outside the United States or Canada.

(3) Existing law requires an acupuncturist seeking approval as a supervising acupuncturist in a tutorial program to meet specified requirements, including, among other things, having at least 7 years of experience practicing as an acupuncturist

This bill would, instead, require at least 10 years of experience acquired after certification or licensure or 10 years' experience in a jurisdiction which does not require certification or licensure

(4) Existing law requires the Acupuncture Examining Committee to grant credit for relevant prior training and experience when reviewing applications for certification as an acupuncturist based upon completion of a tutorial program.

This bill would provide that the granting of credit is discretionary with the committee rather than mandatory.

(5) Existing law provides that a person who fails to renew his or her acupuncturist certificate within 5 years after its expiration may not renew it, but may apply for and obtain a new certificate if he or she meets the requirements of the Acupuncture Certification Act

This bill would specify requirements for the obtaining of a new certificate by that person.

(6) Existing law specifies the fees for certified acupuncturists.

This bill would add fees for (a) a duplicate wall certificate, (b) a duplicate renewal receipt, (c) an endorsement, and (d) a duplicate certificate for an additional office location.

(7) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Acupuncture Fund Because this bill would increase the amount of moneys in the funds, it would constitute an appropriation.

Ch 1174 (SB 943) Seymour. Controlled substances: cocaine. phencyclidine

Existing law classifies controlled substances into 5 schedules with the most restricted substances contained in Schedule I. Existing law provides criminal penalties for various activities with respect to controlled substances.

Existing law specifies that cocaine (except as cocaine hydrochloride), fenethylline, and N-ethylamphetamine, and the salts, isomers, and salts of isomers of those substances, are Schedule I controlled substances.

This bill would provide, instead, that cocaine base, fenethylline and its salts, and N-ethylamphetamine and its salts, and the isomers of those substances, are Schedule I controlled substances

Existing law provides that cocaine hydrochloride is a Schedule II controlled substance.

This bill would provide, instead, that cocaine, other than cocaine base and its isomers, is a Schedule II controlled substance.

Existing law provides that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person who is convicted of possessing for sale 14.25 grams or more of phencyclidine or any of specified analogs or precursors of phencyclidine.

This bill would, instead, prohibit probation or suspension of sentence for any person who is convicted of possessing for sale 14 25 grams or more of any salt or solution of phencyclidine or any of specified analogs or precursors of phencyclidine.

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

Existing law provides that except in specified unusual cases probation shall not be granted to, nor shall the execution of imposition of sentence be suspended for, any person who is convicted of possessing for sale 14.25 grams or more of cocaine as specified in designated provisions of current law.

This bill would also prohibit probation or suspension of sentence except in specified unusual cases for any person convicted of possessing for sale 14.25 grams or more of cocaine base, or 57 grams or more of a substance containing at least 5 grams of cocaine base as specified in designated provisions of current law.

The bill would make conforming changes

This bill would incorporate additional changes to Section 11370.4 of the Health and Safety Code, proposed by AB 1972, to be operative only if AB 1972 and this bill are chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

This bill would also provide that a provision of the bill which amends Section 11470 of the Health and Safety Code shall remain operative only until the operative date of AB 1076, if AB 1076 is chaptered and becomes operative, and amends Section 11470 of the Health and Safety Code.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1175 (SB 1074) Bergeson Subdivisions: final map fees. Orange County.

Existing law provides that the Board of Supervisors of Orange County and the city council of any city in that county may, by ordinance, require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purpose of defraying the costs of constructing bridges and major thoroughfares.

This bill would revise the definition of "construction" for purposes of this provision.

This bill would incorporate additional changes in Section 66484 3 of the Government Code, proposed by SB 1073 or SB 1413, or both, to become operative only if SB 1073 or SB 1413, or both, and this bill are chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1176 (SB 1100) Campbell. State employees.

(1) A section of the Public Employees' Retirement Law (PERL) defines, for retirement purposes, the term "compensation" through specified included and excluded categories.

This bill would provide that if certain provisions of that section are in conflict with the provisions of a memorandum of understanding (MOU) reached pursuant to the State Employer-Employee Relations Act (SEERA), the MOU shall be controlling, except that if such provisions of the MOU require the expenditure of funds, they shall not become effective unless approved by the Legislature in the annual Budget Act. This bill would make other technical updating changes in that section.

(2) Under existing law, 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 may be authorized by the person's department head to purchase his or her state-issued handgun at the full replacement cost at the time of retirement if the handgun was provided to the officer for a minimum of 120 months prior to retirement.

This bill would delete the 120 months prior to retirement requirement for disability retired peace officers and with regard to cost, require it to be the fair market value or replacement cost, whichever is less, of the handgun issued as determined by the appointing power.

This bill would also require the retiring officer to submit a written request to purchase the issued handgun within 30 days of the retirement date

(3) 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

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

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 require 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.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1177 (SB 1111) Mello. Nurse assistants.

Existing law requires skilled nursing facilities and intermediate care facilities to adopt a training program for nurse assistants which meets standards established by the State Department of Health Services and provides for the certification of nurse assistants by the department.

This bill would instead require training programs that meet regulations established by the state department and would make various changes in the provisions relating to the standards for certification and regulation of nurse assistants.

The bill would permit the state department to charge fees, not to exceed specified amounts, or the actual costs of the department in providing the service, for administration of the nurse assistant certification provisions.

The bill would set forth criteria for certification, as well as grounds for suspension or revocation of certification. This bill would also provide that the state department, with the State Department of Education and other appropriate organizations, shall develop criteria for approving training programs, develop a plan that identifies and encourages career opportunities, and make the necessary regulation changes for facilities utilizing noncertified nurse assistants performing direct patient care by January 1, 1989

This bill would authorize the State Director of Health Services to adopt emergency regulations concerning these provisions necessary for the immediate preservation of the public peace, health, or safety.

This bill would appropriate $178,000 from the General Fund to the State Department of Health Services for the purposes of the bill.

Because the bill would add new crimes 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 1178 (SB 1147) Bergeson. Special districts: merger.

Existing law permits counties to provide various governmental services to unincorporated areas by establishing county service areas according to a specified procedure. All or any part of a city may be included in a county service area if a resolution of consent is adopted by a majority vote of the city legislative body.

This bill would authorize a county service area in Orange County to exercise the powers of a harbor improvement district as specified without the adoption of resolutions of consent by the legislative bodies of cities and would make findings and declarations on the necessity for special legislation.

Existing law states that the creation of any city, district, or zone thereof, or the change in its boundaries, is not effective for assessment or taxation purposes unless a statement including a certified copy of the ordinance or resolution ordering the creation or change in boundary, a legal description of the boundaries, and a map or plat are filed in accordance with a specified procedure.

This bill would provide that notwithstanding those requirements, the formation of the county service area in Orange County shall be effective for the purposes of the allocation of property tax revenues if the statement and map or plat are filed on or before March 1, 1988.

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

Ch. 1179 (SB 1184) Rosenthal Public utilities electrical, gas, and telephone corporations: diversification.

(1) Under existing law, the Public Utilities Commission may inspect the accounts, books, papers, and documents of every public utility, including an electrical, gas, or telephone corporation, and also of any business which is a subsidiary or affiliate of, or a corporation holding a controlling interest in, an electrical, gas, or telephone corporation with respect to transactions that might adversely affect the interests of its ratepayers.

This bill would prohibit an electrical, gas, or telephone corporation, as specified, from pledging its utility assets or credit for or on behalf of a subsidiary, affiliate, or holding corporation, except that the commission may permit this if (a) the subsidiary's revenues and expenses are included by the commission for ratemaking purposes, (b) the subsidiary is engaged in a regulated public utility business in this state or in any other state; or (c) the subsidiary or affiliate engages in specified activities and the commission approves the issuance of the instrument pledging the assets or credit by making a specified finding and determination Under other provisions, a violation of this prohibition would be a crime, 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. 1180 (SB 1238) Marks. Wild pigs. game refuge permits.

Under existing law, in the Mt. Tamalpais Game Refuge, no birds or mammals which are protected or fostered may be taken under a permit issued by the Department of Fish and Game and it is unlawful to take any bird or mammal in this refuge under a permit unless the permit holder is accompanied by a member of the Fish and Game Commission, a deputy of the department, or the sheriff or a deputy sheriff of Marin County

This bill would, instead, prohibit taking threatened, endangered or fully-protected birds or mammals in that refuge under any permit issued by the department. The bill would also except wild pigs from the requirement for a person to be accompanied by the above-named persons when taking birds or mammals in the refuge.

Ch 1181 (SB 1266) Dills. Employees

(1) Existing law provides that a disabled employee who meets certain definitional criteria is eligible to receive nonindustrial disability benefits if the Director of Employment Development finds, among other things, that the employee has exhausted any sick leave to which he or she was entitled Existing law also generally provides that a memorandum of understanding in conflict with these provisions is controlling

This bill would exempt certain state officers and employees, who elect to use vacation credits or sick leave credits prior to receiving nonindustrial disability benefits, from the requirement of exhausting their sick leave

(2) A section of the Public Employees' Retirement Law (PERL) defines, for retirement purposes, the term "compensation" through specified included and excluded categories

This bill would provide that if certain provisions of that section are in conflict with the provisions of a memorandum of understanding (MOU) reached pursuant to the State Employer-Employee Relations Act (SEERA), the MOU shall be controlling, except that if such provisions of the MOU require the expenditure of funds, they shall not become effective unless approved by the Legislature in the annual Budget Act This bill would make other technical updating changes in that section.

(3) 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

---

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

memoranda of understanding entered into between the state employer and 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 memorandum of understanding is approved by the Legislature in legislation other than the annual Budget Act.

(4) This bill would also appropriate $187,000 from the General Fund to the Trustees of the California State University in augmentation of the annual Budget Act of 1987 to implement the provisions of the memorandum of understanding between the Trustees and the California State Employees Association, California State University Units 2, 5, 7, and 9.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1182 (SB 1279) Vuich Refugee assistance.

Existing law provides for various public assistance programs for the provision of aid and services to qualified low-income persons, including refugees The State Department of Social Services allocates to counties certain federal funds derived from the federal Office of Refugee Resettlement.

This bill would specify that federal funds that are allocated for refugee social services shall be allocated to counties in the same proportion that refugees on aid in that county bear to the total refugees on aid in the state, as specified. It would also specify that federal funds for targeted assistance be allocated to each targeted county in the same proportion that refugees on aid bear to the total refugees on aid in the targeted counties, as specified

Ch. 1183 (SB 1303) Campbell. Healing arts. drug use

Existing law provides for the diversion of specified persons charged with a violation of specified provisions of law relating to drugs from the ordinary criminal justice system. The law specifies that if the person successfully completes a diversion program, the record pertaining to the arrest shall not be used in any way which could result in the denial of any license, among other things.

This bill would provide that, notwithstanding those provisions, any agency in the Healing Arts Division of the Business and Professions Code may take disciplinary action against a licensee for professional misconduct even if the evidence of that misconduct is in a record pertaining to an arrest of a person who has successfully completed a drug diversion program, with a specified exception.

Ch 1184 (SB 1337) Bergeson. Local government

Existing law relating to the issuance of dog licenses by cities, cities and counties, and counties permits the issuance of a license for a period not to exceed 3 years for dogs 12 months of age or older which have been vaccinated and permits the person to whom the license is issued to choose a license period of 1, 2, or 3 years

This bill would permit the issuance of licenses for a period not to exceed 3 years for dogs 12 months of age which have been vaccinated against rabies and would permit the person to whom the license is issued to choose a license period established by the board of supervisors or the legislative body of the city up to 1, 2, or 3 years.

Existing law permits a vacancy in any elective office on the governing board of certain special districts to be filled by appointment by the remaining district board members until an election is called, as specified.

This bill would permit the board of supervisors or city council to make appointments to fill vacancies on a special district board to provide the board with a quorum, as specified, or to call an election to fill a vacancy. This bill, in authorizing a city council to call an election, would impose a state-mandated program on a county which is required to conduct the election

Existing law specifies persons and agencies to whom the State Board of Equalization is required to send copies of final survey reports concerning procedures and practices of county assessors in the valuation of property, including assessment appeals boards of the counties.

This bill would require the board to send the reports to the county assessor, rather than

---

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

the county assessment appeals boards, and additionally to other assessors of the counties unless the board is notified to the contrary.

Existing law permits the board of supervisors to delegate to any county officer or employee the power to accept for the county any gift, bequest, or devise, the value of which does not exceed $2,500

This bill would increase the value of those items which may be so accepted to $10,000

Existing law generally prohibits any local agency that imposes fees or charges for the construction of public improvements or facilities on a residential development from requiring the payment of the fee or charge until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs later, unless the residential development contains more than one dwelling unit

This bill would, instead, prohibit the requirement of payment of those fees or charges until the date of final inspection or issuance of the certificate of occupancy whichever is first

Existing law requires the board of supervisors to continue to furnish services to a newly incorporated city, as specified

This bill would make a technical nonsubstantive change in that provision of law

Existing law requires the publication of a general regulation of a sanitary district board as specified.

This bill would permit the board of the sanitary district to fulfill the requirements by publishing a summary of the proposed regulation, ordinance, or amendment, as specified or by publishing an advertisement of the general nature of the regulation, ordinance, or amendment, as specified

Existing law specifies the purposes for, and methods of, creating trusts. This bill would permit the recording of a trust relating to real property in the office of the county recorder where all or a portion of the real property is located

Existing law requires the board of a regional park district, regional park and open-space district, or regional open-space district, at its first meeting following the end of its fiscal year to cause to be rendered no later than 90 days after meeting and to be published in a newspaper, a verified certified public accountant's or verified public accountant's audit of the financial condition of the district.

This bill would permit the board to cause that rendering of the audit before that meeting.

Existing property tax law provides for the establishment of a Special District Augmentation Fund in each county for the purpose of augmenting the revenue of special districts from property tax revenues. It requires the auditor in each county to notify the governing body, as defined, of each special district on or before September 30 of each year of the amount of revenue to be allocated to it from the fund

This bill would change the deadline for notification by the county auditor from September 30 to August 31 of each year

Existing property tax law provides for the due date, delinquency date, and delinquency penalties for property taxes on the unsecured roll.

This bill would make clarifying revisions in those provisions

Existing property tax law requires the county tax collector to send to the Controller a duplicate copy of the deed executed to the purchaser at a tax sale and to report to the assessor, within 10 days after a tax sale, specified information.

This bill would instead require the tax collector to send the Controller a conformed copy of the deed executed to the purchaser containing the recorder's indexing data and would eliminate some of the information required to be furnished by the tax collector to the assessor following a tax sale

Existing property tax law requires the tax collector to issue certificates of redemption containing specified information when tax defaulted property is redeemed

This bill would make that requirement applicable only upon the request of the redemptioner and would revise the contents of the certificate

Existing property tax law provides for the application of credit for defaulted payments when the redemption of property is made within 5 years after the initial year of tax default.

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

This bill would delete obsolete portions of those provisions

Existing property tax law precludes the payment of property tax refunds except upon the filing of a timely claim therefor, with certain exceptions. Despite the preceding general provisions, special provisions require a refund to be made until June 30, 1986, by the City of Fresno as the result of a judicial decision.

This bill would delete these special provisions.

Existing law permits the legislative body of a local agency to issue bonds for park or recreational improvements, as defined, according to specified procedures.

This bill would also permit the legislative body of those agencies to issue notes for those purposes as specified and would make related changes.

Existing law permits a local authority to adopt rules and regulations prohibiting or restricting persons from riding or propelling skateboards in roadways

This bill would also permit the adoption of rules and regulations prohibiting or restricting persons from riding or propelling skateboards on highways or sidewalks. Since the violation of such a rule or regulation would be an infraction, the bill would impose a state-mandated local program.

This bill would specify that some of its provisions shall become operative on July 1, 1988.

This bill would incorporate amendments to Section 98.6 of the Revenue and Taxation Code which are proposed by AB 1018 to become operative 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 specified reasons.

Ch 1185 (SB 1344) Dills State employees

(1) Existing law authorizes the Department of Personnel Administration to provide overtime payments as prescribed by the federal Fair Labor Standards Act to state employees. Existing law also specifies that if the above-described provisions of law are in conflict with the provisions of a memorandum of understanding, the memorandum of understanding is controlling without further legislative action, except if the provisions of the memorandum of understanding require the expenditure of funds

This bill would expressly provide, instead, that the above-described provisions of law are controlling, unless the memordandum of understanding provides a greater benefit.

(2) A section of the Public Employees' Retirement Law (PERL) defines, for retirement purposes, the term "compensation" through specified included and excluded categories.

This bill would provide that if certain provisions of that section are in conflict with the provisions of a memorandum of understanding (MOU) reached pursuant to the State Employer-Employee Relations Act (SEERA), the MOU shall be controlling, except that if such provisions of the MOU require the expenditure of funds, they shall not become effective unless approved by the Legislature in the annual Budget Act. This bill would make other technical updating changes in that section.

(3) 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 memorandum of understanding is approved by the Legislature in legislation other than the annual Budget Act.

(4) This bill would declare that it is to take effect immediately as an urgency statute

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

Ch. 1186 (SB 1348) Roberti. Oaths: Secretary of Senate and Chief Clerk of Assembly.

Under existing law, the Secretary of the Senate and the Chief Clerk of the Assembly are required to administer the constitutional oath of office to the employees of their respective houses. Other provisions of law authorize judges, clerks of court, notaries public, and various other state and local officers and employees generally to administer and certify oaths.

This bill would also enable the Secretary of the Senate and the Chief Clerk of the Assembly to administer and certify oaths.

Ch. 1187 (SB 1377) Davis School district taxes: collection.

(1) Existing law prescribes a procedure for the collection of a special tax that is levied by the Chino Unified School District governing board against applicants for final building permits within the school district

This bill would state that the sole purpose of that statutory procedure is to govern the collection of legally imposed special taxes, and that it is not to be construed to grant, deny, extinguish, or recognize the authority to impose any tax or to determine otherwise the legality of any tax or character of any levy.

This bill would specify that these prescribed procedures are also applicable to the William S. Hart Union High School District, the Castaic Union School District, the Newhall School District, the Saugus Union School District, and the Sulphur Springs Elementary School District, pursuant to the adoption by each district of an expenditure schedule, as specified. This bill would require certain cities and counties to ascertain compliance with a specified special tax levied by those districts as a condition on the issuance of building permits, and thus create a state-mandated local program. This provision would become operative only if the named school districts prevail in specified litigation.

(2) The case of California Building Industry Association v. Governing Board of the Newhall School District, et al., is presently before the Los Angeles County Superior Court (c658159).

This bill would require that all courts where the action to determine the validity of a special election held on June 2, 1987, in specified school districts, is pending or is hereafter commenced to give that action preference over all other civil actions before the courts, as specified. This bill would require the clerk of the court reviewing an appeal of this action to set the appeal for hearing on the first available date on the court calendar, as specified.

(3) This bill would declare that, due to specified reasons, a general statute cannot be made applicable to the above.

(4) Nothing in existing law expressly prohibits conditioning the issuance of building permits on the payment of taxes.

This bill would prohibit imposing such a condition, with regard to the school district special taxes described above, on the issuance of a building permit. This bill would also prohibit any of the school districts enumerated above from conditioning the collection of, or certification of compliance with, any developer fee or other requirement levied by the district on the payment of that special tax where the applicant for the building permit agrees to pay the tax and interest, as specified, under designated conditions. These prohibitions would apply except as expressly provided by statute, or order of a court of competent jurisdiction

(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 specified provisions of this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1188 (SB 1478) Marks. Political Reform Act of 1974 Conflict of Interest Codes.

The Political Reform Act of 1974 provides that each Conflict of Interest Code require designated employees, in certain enumerated positions, to file statements at specified

---

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

times and under specified circumstances disclosing reportable interests, including investments, interest in real property and income, which may forseeably be materially affected by any decision made or participated in by designated employees by virtue of their positions.

This bill would exempt from the requirement of filing financial disclosure statements any individual who resigns from a position within 30 days following initial appointment, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position

This bill would provide that business positions are also reportable interests, as specified, and would make other technical and conforming changes

Ch. 1189 (SB 1486) Bergeson Water pollution control federal law

(1) Under existing law, any person who discharges specified pollutants or violates specified requirements or orders issued by a regional water quality control board or the State Water Resources Control Board, as required under federal water pollution control laws, is subject to civil penalties and criminal fines not to exceed specified amounts.

This bill would increase, as prescribed, the maximum penalties and fines which may be imposed, would permit civil liability to be imposed administratively as prescribed, would include additional specified violations, and would make related changes. The bill would impose a state-mandated local program by creating new crimes

The bill would make specified changes to assure consistency with the requirements for state programs implementing the Federal Water Pollution Control Act as amended, would authorize the state to undertake a permit program for the use and disposal of sewage sludge, and would revise related 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 1190 (SB 1544) Marks Acupuncture

Existing law provides for the regulation and certification of persons licensed to perform acupuncture That law is known and cited as the "Acupuncture Certification Act."

This bill would change the title of the act to the "Acupuncture Licensure Act " The bill would expand the definition of acupuncture, thus making the Acupuncture Licensure Act applicable to persons currently not covered by the act Because a violation of that act is a misdemeanor, this bill would impose a state-mandated local program by creating new crimes. The bill 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.

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

Ch 1191 (SB 1654) Dills. Medicare· federal employee programs.

Existing law provides for the regulation of the business of insurance in the state.

This bill would prohibit a health care service plan or an insurer that administers Medicare coverage and federal employee programs from requiring that more than one form be submitted per claim in order to receive payment or reimbursement under any or all of those policies or programs

Ch 1192 (AB 2635) Areias. Refugee assistance

Existing law provides for various public assistance programs for the provision of aid and services to qualified low-income persons, including refugees The State Department of Social Services allocates to counties certain federal funds received for the purpose of providing educational and employment assistance for refugees

---

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

This bill would specify the method of determining the proportionate county allocation of federal funds received pursuant to the federal Refugee Act of 1980 (Public Law 96-212), as amended, would require the department to continue to administer the refugee funds if the county chooses not to administer the funds, and would require that each county determine the county agency to administer the funds and would specify the procedures to be followed in the planning process.

Existing law requires the State Department of Social Services to implement a Refugee Cash Assistance Demonstration Project which shall be in operation for a period of 3 years.

This bill would extend that period to 4 years and 3 months and would specify the ending date as September 30, 1989.

Existing law requires the State Department of Social Services to report to the Legislature annually, evaluating the effectiveness of the Refugee Cash Assistance Demonstration Project.

This bill would require the annual reports to contain certain specific information.

Existing law also requires that the program provide cultural orientation and language and employment skills training for refugees covered under the program

This bill would require that recipients' participation in refugee employment and English language training services shall be guided by an employability plan, as specified, and would require the assessment of each participant's progress upon the completion of each component of the employability plan. The bill would specify that participants' contracts entered into pursuant to the GAIN program shall be deemed to meet these requirements

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1193 (AB 992) Hannigan. Income taxes: contributions: Vietnam veterans memorial

Under the existing Personal Income Tax Law, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of the California Election Campaign Fund, the California Fund for Senior Citizens, the Rare and Endangered Species Preservation Program, the State Children's Trust Fund for the Prevention of Child Abuse, and the United States Olympic Committee Fund

This bill would additionally allow, for taxes paid and refunds payable beginning with the 1987 taxable year through the 1990 taxable year, taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Vietnam Veterans Memorial Account in the General Fund. The contributions would be continuously appropriated to the Vietnam Veterans Memorial Commission for use in the construction of a suitable memorial to Vietnam veterans at the State Capitol This bill would permit a personal income tax deduction for any contribution made as the result of a taxpayer's designation pursuant to the bill

The bill would require the Franchise Tax Board to revise the form of tax returns to provide for the designation, would require the Franchise Tax Board to determine annually the total amount designated and to notify the Controller of that amount, and would allow the Franchise Tax Board to receive a portion of the funds designated to cover costs incurred in collecting and administering the funds

Ch. 1194 (AB 27) Farr. Student financial aid. [11]

Existing law establishes various student financial aid programs.

This bill would establish the Engineering and Computer Science Doctoral Assistance Program to encourage California residents to acquire a doctoral degree in engineering or computer science and teach those fields in the state's public postsecondary educational institutions.

The bill would provide that it is the intent of the Legislature that the Engineering and Computer Science Doctoral Assistance Program identify and recruit ethnic minority students with a strong undergraduate academic preparation to enroll in doctoral programs in engineering and computer science.

This bill would provide for the Student Aid Commission to annually award a state fellowship, as specified

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

This bill would specify that the program shall provide fellowships on a one-to-one matching fund basis with nonstate funded fellowships

This bill would require that the fellowship award be in the form of a loan, and would require that the loan be forgiven over a 4-year period if the recipient teaches in a public college or university in California, as specified

This bill would provide that the commission shall maintain records of fellowships, as specified

This bill would request that the commission convene an advisory committee to formulate eligibility criteria, to devise administrative procedures for implementation of the program, and to develop procedures to assist graduates in finding teaching assignments in California, as specified

This bill would request that the commission report to the Legislature, as specified.

This bill would appropriate $105,000 to the California Student Aid Commission for the purposes of this bill

Ch. 1195 (AB 186) Bradley. White garden snails· eradication. [12]

Existing law does not allocate funds for the eradication of white garden snails (Theba pisana).

This bill would appropriate $225,000 from the General Fund to the Department of Food and Agriculture for the purpose of eradicating white garden snails (Theba pisana) from San Diego County

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1196 (AB 909) Jones. Community-based long-term care [13]

Existing law provides for model projects and programs, including the Linkages Case Management Program, the Multipurpose Senior Services Program, the Adult Day Health Care Program, the Alzheimer Day Treatment Program, and a Respite Care Program which are administered by the Department of Aging.

Existing law provides for the development of a system of community-based long-term care which includes many of these resources in any single area.

This bill would require the Department of Aging to conduct, until January 1, 1990, a grants-in-aid program, as part of the Institutionalization Prevention Services Program, commonly cited as the Linkages Program, to assist in the establishment of new community-based long-term care programs appropriate to underserved and rural areas, to assist in the provision of case management, as specified, and to assist in the development of home- and community-based long-term care service systems to accommodate sparse and widely disbursed populations. The bill would establish minimum requirements that grantee local programs must meet.

The bill would require the Department of Aging to include an evaluation of the program and the implementation of the provisions of this bill in a specified annual report required to be submitted by the Department of Aging to the Legislature

This bill would appropriate $50,000 from the General Fund to the Department of Aging for the purposes of this bill, and would state that funding for the duration of the demonstration program shall be appropriated in the annual Budget Act, not to exceed $100,000 per program site per fiscal year.

Ch. 1197 (AB 1397) Clute Birth defects. [14]

Existing law permits the Director of Health Services to establish a system for the collection of information concerning birth defects, stillbirths, and miscarriages, in all, or any portion, of the state

This bill would require that, during the second half of the 1987–88 fiscal year, this program be expanded to include specified counties.

The bill would also require the department, by January 1, 1989, to report to specified committees of the Legislature, on the feasibility of expanding this program to Los Angeles County.

The bill would appropriate $635,000 from the General Fund to the department, for expenditure during the last 6 months of the 1987–88 fiscal year, for purposes of expanding the birth defects monitoring program into the counties specified in the bill

---

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

Ch. 1198 (AB 1597) Hannigan University of California· California Center for Cooperatives. [15]

Existing law establishes the University of California and provides for the exercise of various functions by the university.

This bill would make various findings and declarations concerning the need for a California Center for Cooperatives in order to enhance the development of cooperatives in California.

The bill would request the university to establish the California Center for Cooperatives and to consider locating the center on the campus of the University of California, Davis. This bill would declare the intent of the Legislature with regard to the administration of the center, the appointment of the advisory board for the center, and funding of the center.

This bill would declare the intent of the Legislature that the California Center for Cooperatives be established and in operation on or before July 1, 1989.

This bill would request the University of California to submit reports to the Legislature containing specified information relative to the center.

This bill would specify that its provisions shall not apply to the University of California unless the Regents of the University of California adopt a resolution to that effect

This bill would appropriate $240,000 from the General Fund to the University of California for allocation to the California Center for Cooperatives for expenditure to accomplish the purposes of the act

Ch. 1199 (AB 1772) Vasconcellos Seniors· service credits. [16]

Existing law provides for various state and local programs to assist the elderly.

This bill would require the Department of Aging to establish a 3-year pilot volunteer service credit program, in which the department would award grants to approved sponsors, and would provide for a program through which individuals may volunteer targeted services, as defined, in return for service credits that may be subsequently exchanged for targeted services.

The bill would require the Legislative Analyst to report to the Legislature by January 1, 1990, on specified evaluative criteria, and would provide for the repeal of the provision requiring the implementation of the volunteer service credit program on January 1, 1991, unless later-enacted legislation extends or repeals that date.

The bill would appropriate $240,000 from the General Fund to the Department of Aging for the purposes of the pilot program

Ch. 1200 (SB 1382) Lockyer Liability

Existing case law generally requires an action to recover damages to property under the theory of inverse condemnation to be commenced within 5 years, except that a statutory period is specified for actions in connection with the Eminent Domain Law.

This bill would make the 3-year limitation that applies to actions for injury to property applicable to inverse condemnation actions to recover for physical damage to property filed under a specified constitutional provision to be applicable to actions commenced on and after January 1, 1988

The bill would also provide that in an inverse condemnation proceeding to recover for physical damage to private real property resulting from fire, flood, earth or snow movement, or similar occurrences the public entity may seek comparative indemnity from the plaintiff if the plaintiff engaged in active negligent conduct, or had actual notice of the risk and reasonable opportunity to take action to reduce the risk and negligently failed to do so. However, the bill would provide that the amount recovered shall not exceed the proportional share of the judgment against the public entity attributable to the plaintiff's decree of fault.

The bill would become operative only if other designated bills are enacted

Ch. 1201 (AB 1173) W. Brown. Liability.

(1) Existing case law generally requires an action to recover damages to property under the theory of inverse condemnation to be commenced within 5 years, except that a statutory period is specified for actions in connection with the Eminent Domain Law

---

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

This bill would make the 3-year limitation that applies to actions for injury to property applicable to inverse condemnation actions to recover for physical damage to property filed under a specified constitutional provision to be applicable to actions commenced on and after January 1, 1990.

SB 1382, if enacted, would add a provision to the Code of Civil Procedure to provide that in an inverse condemnation action to recover physical damage the public entity may seek comparative indemnity if the plaintiff engaged in specified negligent conduct.

This bill would repeal that provision.

(2) Existing law imposes various requirements with respect to a sliding scale recovery agreement between one or more, but not all, alleged defendant tortfeasors and a plaintiff. Existing law generally requires that the court disclose the agreement to the jury, but not more than is necessary to assure that the jury understands the essential nature of the agreement, but not the amount paid or any contingency, and the possibility that the agreement may bias the testimony of tortfeasors who entered into the agreement. This bill would instead provide that the disclosure to the jury shall be no more than is necessary to inform the jury of the possibility that it may bias testimony. The bill would also provide that a sliding scale recovery agreement is not effective unless a notice of intent to enter into an agreement has been served on all nonsignatory alleged tortfeasors.

(3) Existing law provides for the judicial arbitration of civil actions if the amount in controversy will not exceed $25,000.

This bill would increase that limit to $50,000

(4) (a) Under existing law, a director of a corporation is required to perform the duties of a director in good faith and in a manner the director believes to be in the best interests of the corporation, and with the care of an ordinarily prudent person.

This bill would also specify that the duty includes performing the duty in a manner the director believes to be in the best interests of the shareholders of a corporation

(5) Existing law sets forth the situations in which a corporation may indemnify an agent, including a director, officer, or employee with respect to indemnification for an agent's expenses arising from an action against the agent by or in the right of the corporation. Existing law permits indemnification only if the agent acted in good faith, in a manner believed to be in the best interests of the corporation, and with the care of an ordinarily prudent person Existing law prohibits indemnification under that provision of amounts paid in settling or disposing of an action, with or without court approval

This bill would revise the prerequisites for indemnification for an agent's expenses to also require the agent to have acted in a manner believed to be in the best interests of shareholders, and to eliminate a requirement of acting with the care of an ordinarily prudent person. The bill would instead prohibit indemnification under that provision of amounts paid in settling or disposing of an action without court approval in actions brought by or in the name of the corporation.

(6) Under existing law, the indemnification of an agent for expenses, judgments, fines, settlements, or other amounts, except in those cases in which the agent has been successful on the merits, may be made only if authorized in the specific case and if the agent is determined to have met the applicable standard of conduct by the directors, shareholders, or a court.

This bill would provide that the finding may be made by independent legal counsel if a quorum of directors is not obtainable

(7) Existing law provides for the formation of nonprofit public benefit corporations and religious corporations.

This bill would provide that there is no liability to a 3rd party on the part of a volunteer director or volunteer executive committee officer of a nonprofit public benefit corporation or religious corporation caused by that volunteer director's or executive committee officer's negligent act or omission in the performance of duties as a director or officer if damages are covered by liability insurance, under specified circumstances. The bill would provide that there is no monetary liability on the part of, and no cause of action for damages shall arise against, any volunteer director or volunteer executive committee officer of certain nonprofit mutual benefit corporations if certain criteria are met

---

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

(8) Existing law authorizes a corporation to obtain insurance for its agents whether or not it could indemnify them for the liability.

This bill would provide that the fact that the corporation owns all or part of the insurer does not render the authorization to purchase insurance inapplicable if certain conditions are met.

(9) Existing law prohibits any provision made by a corporation to indemnify its directors or officers for the defense of any proceeding except in accordance with the above-mentioned and related provisions

This bill would, instead, provide that the articles of incorporation of a corporation may contain provisions eliminating or limiting the liability of a director as a director for monetary damages in an action brought by or in the right of the corporation except in specified instances Further, the bill would provide that the articles of incorporation may authorize the indemnification of agents for a breach of duty to the corporation or its shareholders except in specified instances

(10) Under existing law, the violation of a statute, ordinance, or regulation gives rise to a presumption of a failure to exercise due care, in certain circumstances. Existing law that will remain in effect until January 1, 1989, provides, as an exception, that a local rule, regulation, or guideline setting forth standards of conduct for peace officers in the use of deadly force shall not be considered a statute, ordinance, or regulation for the purpose of the presumption

This bill would repeal the above-mentioned exception Instead, it would provide that a rule, policy, manual, or guideline of state or local government setting forth standards of conduct or guidelines for public employees in the conduct of their public employment shall not be considered a statute, ordinance, or regulation of a public entity unless formally adopted as a statute, ordinance, or regulation. It would also revise the definition of "regulation" applicable with respect to claims against public entities and public employees.

(11) Existing law provides that neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including, but not limited to, any natural condition of any lake, stream, bay, river, or beach.

This bill would state that public beaches shall be considered to be in a natural condition and unimproved notwithstanding the provision, presence, absence, or change in extent or kind of public safety services, as specified

(12) Under existing law, a public employee is generally liable for an injury caused by his or her conduct to the same extent as a private person, but is given certain immunities and rights of indemnity.

This bill would provide that members of city councils, mayors, members of boards of supervisors, members of school boards, and other local public entities and members of locally appointed boards and commissions are not vicariously liable for injuries caused by the public entity

(13) Existing law requires a claim relating to a cause of action for death, personal injury, or injury to personal property or growing crops be presented not later than the 100th day after accrual of the cause of action.

This bill would instead require those claims to be presented not later than 6 months after accrual.

(14) Existing law requires a late claim to be granted in various instances, including where the claim was not presented because of mistake, inadvertence, surprise, or excusable neglect if the public entity was not prejudiced

This bill would require the late claim to be granted where the claim was not presented because of mistake, inadvertence, surprise, or excusable neglect and the public entity was not prejudiced in the defense of its claim.

(15) Existing law requires pretrial conferences for various actions

This bill would provide that upon entry of a verdict against a public entity in excess of $100,000, and upon request of the public entity, there shall be a settlement conference to discuss methods of satisfying the judgment.

(16) Existing law provides for the payment of a judgment by a local public entity in installments in certain instances

---

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

This bill would authorize a public entity to elect to pay a portion of a judgment by installment payments in certain instances, and would impose specified rules for installment payments, including terms, interest, liability, and continued jurisdiction of the court.

(17) Under existing law, in an action by a plaintiff to recover damages, the defendant may not, in general, introduce evidence that the plaintiff may recover benefits to pay for the damages from a collateral source, such as a governmental program or insurance.

This bill would provide that in an action where a public entity is a defendant, evidence of any collateral source payment to the plaintiff is not admissible However, after a verdict against a public entity, the public entity may request a hearing, and the court could order a reduction of the verdict for collateral source payments paid or owed prior to commencement of trial The court would be authorized to determine certain rights of the collateral source.

(18) Under existing law, a public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of a motor vehicle by an employee of the public entity acting within the scope of employment, except as specified

This bill would provide immunity from liability for civil damages for personal injury, death, or property damage resulting from the collision of a vehicle being operated by an actual or suspected violator of the law pursued, as specified, by a peace officer, for a public entity that employs peace officers if the public entity adopts a written policy for the safe conduct of vehicular pursuits by peace officers that meets specified minimum standards.

Ch. 1202 (AB 344) Connelly Liability

Existing law imposes various requirements with respect to a sliding scale recovery agreement between one or more, but not all, alleged defendant tortfeasors and a plaintiff Existing law generally requires that the court disclose the agreement to the jury, but not more than is necessary to assure that the jury understands the essential nature of the agreement, but not the amount paid or any contingency, and the possibility that the agreement may bias the testimony of tortfeasors who entered into the agreement.

This bill would instead provide that the disclosure to the jury shall be no more than is necessary to inform the jury of the possibility that it may bias testimony.

The bill would also provide that a sliding scale recovery agreement is not effective unless a notice of intent to enter into an agreement has been served on all nonsignatory alleged tortfeasors.

The bill would provide that its provisions apply only to actions based upon acts or omissions occurring on or after January 1, 1988

The bill would become operative only if other designated bills are enacted.

Ch. 1203 (AB 1530) W Brown. Corporations. liability

Under existing law, a director of a corporation is required to perform the duties of a director in good faith and in a manner the director believes to be in the best interests of the corporation, and with the care of an ordinarily prudent person

This bill would also specify that the duty includes performing the duty in a manner the director believes to be in the best interests of the shareholders of a corporation

Existing law sets forth the situations in which a corporation may indemnify an agent, including a director, officer, or employee with respect to indemnification for an agent's expenses arising from an action against the agent by or in the right of the corporation. Existing law permits indemnification only if the agent acted in good faith, in a manner believed to be in the best interests of the corporation, and with the care of an ordinarily prudent person. Existing law prohibits indemnification under that provision of amounts paid in settling or disposing of an action, with or without court approval

This bill would revise the prerequisites for indemnification for an agent's expenses to also require the agent to have acted in a manner believed to be in the best interests of shareholders, and to eliminate a requirement of acting with the care of an ordinarily prudent person The bill would instead prohibit indemnification under that provision of amounts paid in settling or disposing of an action without court approval in actions

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

brought by or in the name of the corporation.

Under existing law, the indemnification of an agent for expenses, judgments, fines, settlements, or other amounts, except in those cases in which the agent has been successful on the merits, may be made only if authorized in the specific case and if the agent is determined to have met the applicable standard of conduct by the directors, shareholders, or a court.

This bill would provide that the finding may be made by independent legal counsel if a quorum of directors is not obtainable.

Existing law authorizes a corporation to obtain insurance for its agents whether or not it could indemnify them for the liability.

This bill would provide that the fact that the corporation owns all or part of the insurer does not render the authorization to purchase insurance inapplicable if certain conditions are met.

Existing law prohibits any provision made by a corporation to indemnify its directors or officers for the defense of any proceeding except in accordance with the above-mentioned and related provisions.

This bill would, instead, provide that the articles of incorporation of a corporation may contain provisions eliminating or limiting the liability of a director as a director for monetary damages in an action brought by or in the right of the corporation except in specified instances Further, the bill would provide that the articles of incorporation may authorize the indemnification of agents for a breach of duty to the corporation or its shareholders except in specified instances.

The bill would become operative only if other designated bills are enacted.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1204 (AB 1909) Harris. Liability

(1) Existing law provides for the judicial arbitration of civil actions if the amount in controversy will not exceed $25,000.

This bill would increase that limit to $50,000.

(2) Existing law requires pretrial conferences for various actions.

This bill would provide that upon entry of a verdict against a public entity in excess of $100,000, and upon request of the public entity, there shall be a settlement conference to discuss methods of satisfying the judgment

(3) Existing law provides for the payment of a judgment by a local public entity in installments in certain instances.

This bill would authorize a public entity to elect to pay a portion of a judgment by installment payments in certain instances, and would impose specified rules for installment payments, including terms, interest, liability, and continued jurisdiction of the court.

(4) The bill would become operative only if other designated bills are enacted.

Ch. 1205 (AB 1912) Stirling. Public liability.

Under existing law, a public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of a motor vehicle by an employee of the public entity acting within the scope of employment, except as specified.

This bill would provide immunity from liability for civil damages for personal injury, death, or property damage resulting from the collision of a vehicle being operated by an actual or suspected violator of the law pursued, as specified, by a peace officer, for a public entity that employs peace officers if the public entity adopts a written policy for the safe conduct of vehicular pursuits by peace officers that meets specified minimum standards.

The bill would become operative only if other designated bills are enacted.

Ch. 1206 (SB 1526) Lockyer. Civil actions. liability

Existing law provides for the formation of nonprofit public benefit corporations and religious corporations.

This bill would provide that there is no liability to a 3rd party on the part of a volunteer

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

director or volunteer executive committee officer of a nonprofit public benefit corporation or religious corporation caused by that volunteer director's or executive committee officer's negligent act or omission in the performance of duties as a director or officer if damages are covered by liability insurance, under specified circumstances.

The bill would provide that there is no monetary liability on the part of, and no cause of action for damages shall arise against, any volunteer director or volunteer executive committee officer of certain nonprofit mutual benefit corporations if certain criteria are met.

The bill would become operative only if other designated bills are enacted.

Ch 1207 (SB 1598) Presley Liability

Under existing law, the violation of a statute, ordinance, or regulation gives rise to a presumption of a failure to exercise due care, in certain circumstances

Existing law that will remain in effect until January 1, 1989, provides, as an exception, that a local rule, regulation, or guideline setting forth standards of conduct for peace officers in the use of deadly force shall not be considered a statute, ordinance, or regulation for the purpose of the presumption

This bill would repeal the above-mentioned exception. Instead, it would provide that a rule, policy, manual, or guideline of state or local government setting forth standards of conduct or guidelines for public employees in the conduct of their public employment shall not be considered a statute, ordinance, or regulation of a public entity unless formally adopted as a statute, ordinance, or regulation.

It would also revise the definition of "regulation" applicable with respect to claims against public entities and public employees

The bill would become operative only if other designated bills are enacted

Ch. 1208 (AB 2616) W. Brown Public liability

(1) Under existing law, a public employee is generally liable for an injury caused by his or her conduct to the same extent as a private person, but is given certain immunities and rights of indemnity

This bill would provide that members of city councils, mayors, members of boards of supervisors, members of school boards, and other local public entities and members of locally appointed boards and commissions are not vicariously liable for injuries caused by the public entity

(2) Existing law requires a claim relating to a cause of action for death, personal injury, or injury to personal property or growing crops be presented not later than the 100th day after accrual of the cause of action.

This bill would instead require those claims to be presented not later than 6 months after accrual

(3) Existing law requires a late claim to be granted in various instances, including where the claim was not presented because of mistake, inadvertence, surprise, or excusable neglect if the public entity was not prejudiced

This bill would require the late claim to be granted where the claim was not presented because of mistake, inadvertence, surprise, or excusable neglect and the public entity was not prejudiced in the defense of its claim.

(4) Under existing law, in an action by a plaintiff to recover damages, the defendant may not, in general, introduce evidence that the plaintiff may recover benefits to pay for the damages from a collateral source, such as a governmental program or insurance.

This bill would provide that in an action where a public entity is a defendant, evidence of any collateral source payment to the plaintiff is not admissible. However, after a verdict against a public entity, the public entity may request a hearing, and the court could order a reduction of the verdict for collateral source payments paid or owed prior to commencement of trial. The court would be authorized to determine certain rights of the collateral source.

(5) SB 1382, if enacted, would make a 3-year period of limitations applicable to certain inverse condemnation actions and would permit a public entity to ask indemnity from a negligent plaintiff under certain circumstances with respect to an inverse condemnation action SB 1382 would provide that it applies to actions that arise on or after January

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

1, 1988.

This bill would provide that the provisions of SB 1382 relating to the period of limitations apply to actions commenced on or after January 1, 1990, and that the other provisions apply to actions based on acts or omissions occurring on or after January 1, 1988, contingent on the enactment of both bills and this bill being enacted last.

(6) SB 1598, if enacted, would revise provisions relating to the effect of a rule, regulation, or guideline on the liability of a public entity or public employee. SB 1598 would provide that it applies to actions that arise on or after January 1, 1988

This bill would provide that SB 1598 applies to actions based on acts or omissions occurring on or after January 1, 1988, contingent on the enactment of both bills and this bill being enacted last.

(7) The bill would become operative only if other designated bills are enacted.

Ch. 1209 (SB 23) Bergeson. Tort liability: immunity.

Existing law provides that neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including, but not limited to, any natural condition of any lake, stream, bay, river, or beach.

This bill would state that public beaches shall be deemed to be in a natural condition and unimproved notwithstanding the provision or absence of public safety services, as specified. The provision would only apply to causes of action based upon acts or omissions occurring on or after January 1, 1988

The bill would become operative only if other designated bills are enacted.

Ch. 1210 (SB 1063) Russell. City incorporation. property tax revenue exchanges.

Under existing law, the Cortese-Knox Local Government Reorganization Act of 1985 requires a local agency formation commission to determine the amount of property tax revenue to be exchanged by an affected local agency in connection with a proposal for incorporation of a city or the formation of a district This determination is to be made following the making of prescribed calculations by the county auditor of the property tax revenues of affected service providers and the extent to which service responsibilities are to be transferred from those service providers.

This bill would authorize any city which was incorporated during the 1977–78 fiscal year to apply to the local agency formation commission for a determination of the amount of property tax revenue to be exchanged by the affected local agency.

This bill would impose a state-mandated local program by requiring the commission to make the requested determination within 120 days of the city's application in accordance with specified provisions of a repealed law, with certain adjustments to that determination. It would require the amount so determined to be paid to the city commencing with the fiscal year next following the fiscal year in which the determination is made.

This bill would permit the county auditor to assess each city applying to the local agency formation commission for a determination of the property tax revenue to be exchanged for the actual costs of making the determination.

This bill would make the preceding provisions inapplicable to any city which, as the result of any other bill or bills enacted in 1987, would receive an amount of property tax revenue equal to or greater than the amount that would be provided by this bill. It would provide for an adjustment in the amount of property tax revenue provided pursuant to this bill in the event that property tax revenue is also provided by any other bill or bills enacted in 1987 in an amount less than the amount that would be provided by this bill.

Existing law requires the distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This bill would preclude any additional allocation of those moneys to cities which receive revenues pursuant to the provisions of the bill described above.

The California Constitution requires 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.

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

Ch. 1211 (SB 709) Lockyer. Fiscal affairs.

(1) Existing law established the Trial Court Funding Act of 1985 (Chapter 1607 of the Statutes of 1985), which provides for state funding of trial courts on a county-option basis, to become operative upon the effective date of a statute appropriating funds for purposes of that act

This bill would make the Trial Court Funding Act of 1985 operative on July 1, 1988. The bill would make an appropriation by making operative provisions of law (1) that require the state to contribute a specified portion of the salaries of municipal as well as superior court judges, which salaries constitute appropriations under the California Constitution, and (2) that require counties opting into the Trial Court Funding Act of 1985 to pay to the state moneys received from fines and forfeitures, as specified, which moneys would be held in trust and reimbursed to counties pursuant to a specified formula.

(2) Existing provisions of the Trial Court Funding Act of 1985 provide for reimbursement to counties based on a rate of $495,895 for superior court judgeships, $483,052 for superior court commissioners, $489,614 for municipal court judgeships, and $469,435 for municipal court referees, adjusted annually Existing provisions of that act also require participating counties to transmit certain fines and forfeitures and fees to the state.

This bill would (a) delete provisions for the transmittal of fines and forfeitures received by cities or cities and counties, (b) delete provisions requiring an increase in amounts transmitted by counties to the state, (c) reduce the amount of the block grants to counties, provide for block grants for justice court as well as superior and municipal court judgeships, and provide for adjustments to those amounts, as specified, (d) create the Trial Court Improvement Fund and provide for disbursements therefrom to option counties through grants administered by the Judicial Council, as specified, and (e) revise the provisions for the determination of the number of subordinate judicial officers in an option county. The bill would also revise the definition of "court operations" for purposes of the act, require the approval of the justice court judge for the county seat, or a majority of the justice court judges for the county, as specified, with respect to a decision to opt into the system, and repeal provisions of the act requiring reimbursement by the state of cities in option counties.

(3) Under existing law, judicial arbitration is mandated by state law only until January 1, 1988, at which time judicial arbitration shall apply only in those counties in which the board of supervisors has authorized it and has agreed to pay the costs.

This bill would reinstate judicial arbitration as a state-mandated local program operative July 1, 1988.

(4) Existing law specifies the number of judges for the courts of appeal

This bill would provide for 3 additional judges for the Third Appellate District, 4 additional judges for the Fourth Appellate District, 1 additional judge for the Fifth Appellate District, and 3 additional judges for the Sixth Appellate District, as specified.

(5) Existing law specifies the number of superior court judges in each county

This bill would increase the number of superior court judges in the Counties of Contra Costa, Kings, Los Angeles, Madera, Mendocino, Nevada, Orange, Riverside, Sacramento, San Diego, San Joaquin, Sutter, and Yolo, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

This bill would authorize the appointment of additional superior court judges, as specified, in the Counties of Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, and Tuolumne Counties upon adoption of a specified resolution by the board of supervisors of those counties.

(6) Existing law specifies the number of municipal court judges for each county.

This bill would increase the number of municipal court judges in San Joaquin, Riverside, San Diego, Stanislaus, and Sutter Counties, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

This bill would authorize the appointment of additional municipal court judges in Los Angeles, San Bernardino, Monterey, San Diego, Santa Clara, Santa Cruz, Ventura, and

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

Tulare Counties upon adoption of a specified resolution by the board of supervisors

(7) The provisions of this bill increasing, or authorizing an increase in, the number of trial court judges in a county will become operative only upon (a) the Trial Court Funding Act of 1985 becoming operative and (b) the county opting into the system under that act, but (c) in no event prior to July 1, 1988.

(8) Existing law enumerates circumstances when the termination or dismissal of a criminal prosecution is or is not a bar to a subsequent prosecution.

This bill would provide that where an offense is a violent felony, as defined, and the prosecution has had two prior dismissals, as defined, the people shall be permitted one additional opportunity to refile charges where either of the prior dismissals were due to excusable neglect, as defined. This bill would prohibit the additional refiling authorized by this bill where the conduct of the prosecution amounted to bad faith.

(9) Existing law provides with respect to the selection of jurors in criminal cases that the court shall permit reasonable examination of prospective jurors by counsel for the people and counsel for the defendant, such examination to be conducted orally and directly by counsel.

This bill would establish, as an exception to that provision, a 3-year pilot project in Fresno and Santa Cruz Counties in which questions designed to assist in the intelligent exercise of peremptory challenges would be propounded by the court, as specified. The bill would create an 8-member Task Force on Voir Dire to compile a list of appropriate standardized questions for these purposes, as specified. Standardized questions would have to be propounded by the court unless found by the court to be inappropriate. Other questions submitted by counsel would be at the discretion of the court The Judicial Council would be required to report to the Legislature on the effects of the pilot project on or before January 1, 1992. The bill would also incorporate additional changes to Section 1078 of the Penal Code proposed by AB 631, contingent upon its prior enactment.

(10) Under existing law, provision is made for the allocation by the auditor in each county of property tax revenues to various entities of local government according to specified formulas.

This bill would impose state-mandated local costs by requiring the auditor in each county with qualifying cities, as defined, to make property tax revenue allocations to those cities in accordance with a new formula and to make corresponding reductions in the county's property tax revenue allocation. Qualifying cities would include those cities, with a single exception for a particular city, which existed but did not levy a property tax in the 1977–78 fiscal year and those cities which incorporated prior to a specified date and had a property tax revenue allocation for the 1987–88 fiscal year which is less than an amount which would have been received by applying a specified tax rate to its 1987–88 assessed value

This bill would provide for a 10-year phase-in of the allocations to those qualified cities by requiring that the amounts to be allocated to them be distributed as follows: 10% in the 1988–89 fiscal year and increasing by 10% each fiscal year thereafter, subject to their receipt of a minimum allocation of no less than they would have received without the application of this bill.

This bill would preclude a qualifying city from receiving property tax revenue allocation pursuant to this bill for any fiscal year in which the county in which it is located fails to notify the state of its intent to opt into the Trial Court Funding Act of 1985.

This bill would apply to property tax revenue allocations made for the 1988–89 fiscal year and fiscal years thereafter.

This bill would also provide that no reimbursement is required by this act for the required calculations of property tax revenues by the county auditor for a specified reason.

(11) Existing law requires the distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This bill would delete from sharing in 18¾ percent of a specified balance each city that existed but did not levy a property tax in the 1977–78 fiscal year, other than for voter-

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

approved indebtedness.

(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 no reimbursement is required by this act for the increase in judicial positions for a specified reason.

This bill would provide that, if the Commission on State Mandates determines that the judicial arbitration provisions of this bill contain costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 1212 (SB 1137) Royce AFDC-FC.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties are responsible for providing cash assistance necessary for the adequate care of needy children in foster care. Under existing law, counties are reimbursed for part of the cost of providing assistance to foster children.

This bill would require the State Department of Social Services to perform, or have performed, audits of group homes which receive funding on behalf of children receiving AFDC-FC assistance no less often than every 3 years, and would specify that the State Department of Social Services may contract with an appropriate public or private audit agency for audits of payments to foster care providers, and would require the department to develop regulations specifying the procedure for the appeal of department decisions about an agency's allowable costs or the setting of an agency's rate. The bill would require the department to report to the Joint Legislative Budget Committee each year on group home requirements, costs, and ratesetting.

Under existing law, the rate of reimbursement of foster care providers is based on the reasonable cost of providing certain items. The State Director of Social Services is authorized to define reasonableness, with the advice and assistance of the counties.

This bill would require the director to also seek the advice of representatives of group home providers in determining the reasonableness of the cost of providing items of AFDC-FC care.

Existing law requires the audit of group homes receiving funds on behalf of children receiving assistance under the AFDC-FC program at least once every 3 years and authorizes the audit of out-of-state group homes.

This bill would require the audit of certain out-of-state group homes not less than every 3 years.

The bill would also authorize the department to perform or have performed audits on all foster family agencies which have received funds on behalf of children receiving assistance under the AFDC-FC program.

Existing law requires the State Department of Social Services to make available, no later than July 1, 1986, its standards which are used to determine which costs are reasonable, for purposes of determining AFDC-FC payment rates

This bill would require the department to make available to group home providers, no later than July 1, 1988, its standards which are used to set rates, determine which costs are allowable and reasonable, and audit expenditures on which the rates are based.

Ch. 1213 (SB 312) McCorquodale. Sales tax· cooperative nursery schools.

The existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from the tax This law provides that certain nonprofit parent-teacher associations and equivalent organizations performing the same type of service for public or private schools are consumers rather than retailers of tangible personal property sold by them, thereby exempting the sales made by these organizations from taxation.

This bill would also exempt the sales made by nonprofit parent cooperative nursery schools.

Under existing law, counties and cities are authorized to impose local sales and use

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

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 reimbursement or appropriation is made to local agencies because revenue losses to local agencies due to the bill, if any, are minor and will not cause any financial burden to local government.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 1214 (SB 738) Davis Crime.

(1) Existing law authorizes indemnification by the State Board of Control of victims of crimes, as defined, pursuant to specified procedures Existing law provides that if an application for indemnification is accepted by the board as fully verified, the board shall process the claim within 90 days including payment on an approved claim.

This bill would, instead, require that the board shall process claims within an average of 90 days. Any verification would be required to be performed within this time period. If the board does not comply with this time period, it would be required to thereafter submit a quarterly report to the Legislature on its progress and its current average time of processing a claim. The bill would permit the board to make certain additional payments to specified victims of sexual assault

(2) Under existing law, a penalty assessment of $5 for every $10 or fraction thereof is imposed on fines and forfeitures imposed and collected by the courts for criminal offenses, and a specified portion thereof is transmitted to the State Treasury to be deposited into the Assessment Fund The moneys deposited in the Assessment Fund are redistributed to various funds including the Restitution Fund

This bill would increase the penalty assessment to $7 for every $10 or fraction thereof, and require $2 for every $7 collected to be transmitted directly to the Restitution Fund. The bill would impose a state-mandated local program by requiring new duties under an existing program. The bill would also declare that it is to take effect immediately as an urgency statute.

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch 1215 (SB 791) Davis. Helicopters: emergency landing sites

Under existing law, the regulation of airports and the issuance of airport permits is accomplished by the Department of Transportation. Existing law exempts from the airport permit requirements any temporary helicopter landing site, as defined

This bill would require the department to adopt rules and regulations, effective January 1, 1989, for the conditions under which helicopters may make temporary use of a landing site. The bill would delete the above provisions concerning temporary helicopter landing sites, operative January 1, 1989. The bill would expressly exempt an area designated by an officer authorized by a public safety agency, as defined, that is at or as near as practical to the site of a medical emergency and at a medical facility for the taking off and landing of an emergency service helicopter

Ch 1216 (SB 900) Campbell. Occupational safety and health: installed tanks

Existing law requires the Division of Occupational Safety and Health to inspect tanks used for the storage of air pressure or liquefied petroleum gases Under this law, installed tanks put into service before January 1, 1981, are required to be inspected by the division

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

once for permit purposes after January 1, 1981.

This bill would delete this inspection requirement for installed tanks put into service before January 1, 1981

Ch. 1217 (SB 1115) Montoya Jails.

Existing law requires all profits earned from the sale of articles sold at a store in a county jail and 10% of all gross sales of inmate hobbycrafts to be deposited in an inmate welfare fund to be kept in the county treasury.

This bill would require the deposit in the inmate welfare fund of any money, refund, rebate, or commission received from a telephone company when the money, refund, rebate, or commission is attributable to the use of pay telephones which are primarily used by inmates while incarcerated. It would thus create a state-mandated local program by increasing the level of service required of county government under an existing 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 1218 (SB 1154) Alquist Export promotion· marketing strategies

Under existing law, the California State World Trade Commission is the primary state agency responsible for coordination of activities to expand international trade for this state

Under existing law, the purpose of the California Office of Export Promotion is to strengthen the state's activities in marketing its agricultural, manufacturing, and services industries overseas.

This bill would authorize the office to perform specified duties relating to participation in export promotion events in order to promote California as an abundant source of high quality products and services for foreign buyers and to underwrite the cost of generic promotional activities and the cost of organizing the participation of California firms. The bill would state the intent of the Legislature for private firms to bear, to the extent practical, their fair share of the cost of participation.

The bill would require the office to develop for the commission a 5-year marketing strategy which would include specified information The commission would be required to issue a report based on that strategy and submit it to specified legislative committees on or before July 1, 1988. The commission would not be required to disclose in the report marketing strategies which would compromise California's interest if obtained by competitors.

Under existing law, the commission is required to prepare and submit to the Governor and the Legislature a biennial report on January 15 of every other year.

The bill would also require the office to submit to the commission (a) a biennial report for inclusion in the biennial report of the commission, (b) an annual budget to the director of the commission, and (c) at least annually, a proposed program of trade promotion activities and events for approval by the commission. The commission would be authorized to appoint a subcommittee or advisory group to assist in approval of those proposed activities.

The bill would require the office to coordinate its activities with specified state departments to avoid duplication and to maximize effectiveness.

This bill would create the California Export Promotion Account in the California State World Trade Commission Fund, which would be continuously appropriated and would appropriate $100,000 from the General Fund to the California Export Promotion Account for purposes of the bill

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

Ch. 1219 (SB 1223) Roberti. Air pollution: toxic air contaminants.

(1) Existing law requires that the State Air Resources Board adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources. Existing law requires the Scientific Review Panel on Toxic Air Contaminants to advise the state board in its evaluation of the health effects toxicity of substances, as specified.

This bill would require the state board, in consultation with the scientific review panel, air pollution control districts and air quality management districts, the Department of Food and Agriculture, and the State Department of Health Services, to prepare, on or before January 1, 1989, a report on the availability and effectiveness of toxic air contaminant monitoring options, including specified matters, and to develop, to the extent it determines it to be appropriate and feasible, by July 1, 1989, in conjunction with the districts, guidelines for the establishment of supplemental toxic air contaminant monitoring networks to be implemented by the districts. The bill would direct the state board to provide matching funds to the districts for purposes of establishing these monitoring networks. The bill would appropriate $90,000 from the Motor Vehicle Account in the State Transportation Fund, $50,000 from the Environmental License Plate Fund, and $10,000 from the General Fund to the state board for these purposes.

The bill would require establishment and implementation of the supplemental toxic air contaminant monitoring program by the districts. The bill would permit the districts to assess and collect fees from sources of toxic air contaminants within the districts for the districts' share of the costs of establishing and implementing these supplemental monitoring networks. By imposing these duties on the districts, 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. 1220 (SB 1386) Montoya. Court interpreters. certification

Under existing law, the State Personnel Board is required to conduct examinations to qualify state court interpreters in both written and oral proficiency and establish minimum standards therefor. The board is required to certify to the superior courts of the various counties a list of qualified interpreters.

This bill would, effective January 1, 1989, subject to specified limitations regarding the selection of interpreters, require all persons who interpret in trial court proceedings in specified languages to be certified to the superior courts by the board as qualified The bill would require examination procedures to certify the list of qualified court interpreters in all of the specified languages to be the same as that previously established by the board for Spanish.

Ch. 1221 (SB 1605) Watson University of California: Charles R. Drew Postgraduate Medical School.

Pursuant to existing law, the Regents of the University of California is vested with authority over the management and control of the affairs of the University of California.

This bill would appropriate $2,038,000 from the Higher Education Capital Outlay Bond Fund to the regents for the completion of construction of, and for the purchase of equipment for, a building at the Charles R. Drew Postgraduate Medical School, as specified.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1222 (SB 1608) Garamendi. State property.

Existing law authorizes the Director of General Services to let, for a period not to exceed 5 years, any real property of the state, the letting of which is not prohibited by law, for certain public purposes.

Existing law authorizes the Department of Transportation to lease certain property being held for highway purposes and requires the sale of excess property by that depart-

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

ment.

This bill would authorize the Director of General Services to let specified real property for a period of not more than 5 years, with the consent of the state agency affected, and the Department of Transportation to provide information regarding, and to lease, airspace, as specified, in San Joaquin County, Santa Barbara County, and the City of San Diego, to qualified nonprofit organizations, as defined, for emergency shelter or feeding program purposes, at the rate of $1 per month.

The bill would require any lease executed for those purposes to also provide for the cost of administering the lease.

The bill would declare that such a lease serves a public purpose

Ch 1223 (SB 1660) L. Greene. School facilities finance.

(1) Under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (hereafter the "Greene Act"), which provides for the state funding of school facilities projects, no project may be approved for the reconstruction, modernization, or replacement of any school building that was constructed or reconstructed less than 30 years prior to the date of approval of the project

This bill would provide that, as to any portable classroom, as defined, this limitation would require only that the classroom have been constructed or reconstructed at least 20 years prior to the date of approval of the project.

(2) Under the Greene Act, for purposes of calculating the existing adequate school construction of an applicant district in order to determine the maximum building area for which a project may be funded, existing law authorizes the exemption of the total area of portable classrooms that exceeds 10% of the district's total area, which classrooms have been leased or owned by the district for 20 years or more Existing law permits this exemption to be alternatively calculated as 75% of all portable classrooms leased or owned by the district for 20 years or more

This bill would repeal that alternative calculation

Existing law specifies that leased portable classrooms are excluded from the area of adequate school construction for a period of 5 years from the date of the initial lease and for one additional 5-year period under specified conditions.

This bill would bar the application of the supplemental 5-year exclusion to certain portable classrooms leased pursuant to an option to purchase, as specified.

This bill would establish an option under which, in the alternative to the exclusions authorized under existing law, an applicant district may exclude from the calculation of existing adequate school construction an amount of square footage based on district enrollment projections, as specified.

(3) Existing law authorizes the State Allocation Board to appoint an assistant executive officer, who reports directly to the board

This bill would further authorize the board to fix the salary and other compensation of that officer, and to employ additional staff members, and secure office space and furnishings, as necessary to assist the assistant executive officer.

Ch. 1224 (AB 188) Bradley Contractors.

Existing law does not specifically authorize local building inspectors to issue citations to persons engaged in contracting without a license issued pursuant to the Contractors' State License Law.

This bill would create a pilot project, operative until January 1, 1989, in not more than 6 cities, counties, or cities and counties, under which a local building inspector, or a person designated by the city or county, when checking for building or construction permits or for compliance with building laws, may issue a citation to a person contracting without a contractors license. The bill would provide for a reimbursement to the local entities of $25 for each citation issued.

The bill would require the Contractors' State License Board to report to the Legislature on or before February 1, 1989, as to the effectiveness of the pilot project.

The bill would appropriate $60,000 from the Contractors' License Fund to the Contractors' State License Board for reimbursement to the local agencies for citations issued pursuant to these provisions.

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

Ch. 1225 (AB 214) Margolin. Hospital emergency patient transfers.

Various provisions of existing law regulate hospitals and the treatment of patients

This bill would regulate the treatment of patients brought to hospital emergency rooms and the transfer of those patients to other medical facilities. It would prohibit basing an emergency patient's treatment on the patient's race, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, physical or mental handicap, insurance status, economic status, or ability to pay for medical services, unless the circumstances are medically significant to the provision of appropriate medical care to that individual. The bill would revise the definition of "emergency services and care" and "medical hazard" and define "consultation" and "within the capability of the facility." It would specify conditions under which emergency medical patients may be transferred and procedures which may be followed

The bill would specify under what conditions a hospital is obligated to accept the transfer of a patient, and would require a hospital that is unable to accept the transfer of a patient for whom it is legally or contractually liable, to make arrangements for the patient's care. The bill would require receiving hospitals which do not accept transfers of, or make other appropriate arrangements for, certain medically stable patients for which they are contractually or statutorily obligated to provide care, to be liable, as specified.

The bill would require hospitals to adopt policies and transfer protocols consistent with the bill and a hospital's compliance with specified procedures would be a condition of licensure or revocation thereof. Violators could also be fined, as specified, for hospital violations, and taking into account certain factors or have their emergency medical service permits revoked. This bill would also create certain civil actions, as specified, and exempt the health facility and specified health professionals from liability for refusing to render emergency services under certain circumstances The receiving hospital, and physicians, emergency room health personnel at the receiving hospital, and certified prehospital emergency personnel would be required to report all apparent violations known to them to the State Department of Health Services for investigation. The bill would provide that a physician shall not be prevented from exercising professional judgment in conflict with certain state and local regulations under specified circumstances.

Local emergency medical services agencies would also be obligated to mandate transfer protocols, guidelines, and agreements, as specified. These requirements would impose a state-mandated local program on these agencies.

This bill would create new misdemeanors, thus imposing new duties upon local law enforcement agencies, thereby constituting a state-mandated local program

This bill would also provide that the Governor shall request the federal government to credit certain monetary penalties against subsequent penalties assessed by the federal government and require the department to take certain actions to ensure that a specified cumulative maximum limit of fines assessed under state and federal law is not exceeded.

Under existing law, the medical direction and management of an emergency medical services system on the local level is under the control of the medical director of the local emergency medical services agency.

This bill would establish procedures for the medical director of a base station who questions the medical effect of a policy of a local emergency medical services agency to have a hearing on the matter.

This hearing procedure 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, 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 for certain costs no reimbursement is required by this act for a specified reason.

Moreover, the bill would provide that no reimbursement shall be made from the State

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

Mandates Claims Fund for other 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 those other costs.

Ch. 1226 (AB 258) Wyman. Long-term health care facilities.

Existing law does not expressly require long-term health care facilities to have policies and procedures to reduce theft and loss of the personal property of patients.

This bill would require long-term health care facilities to develop and implement policies and procedures designed to reduce theft and loss and would specify the elements of the facility program. The bill would require that the policies and procedures be in accordance with prescribed provisions which would be enacted by AB 2047 if that bill is enacted and becomes effective. The bill would require that if a facility has shown clear and convincing evidence of its efforts to comply with the requirements added by the bill, no citation shall be issued as a result of the occasional occurrence of theft or loss in a facility.

Ch. 1227 (AB 894) Tucker. Medi-Cal.

Existing law contains provisions for the provision of basic health services to qualified low-income individuals pursuant to the Medi-Cal program, which is administered by the State Department of Health Services.

This bill would provide that no provision of any statute shall be interpreted or applied to limit the amount of federal financial participation otherwise available under federal law which may be reimbursable to any county in support of Medi-Cal county administrative costs, or which may be claimed by the State Department of Health Services and transferred to any county

The bill would specify that counties shall repay federal matching funds transferred from the State Department of Health Services to the counties for Medi-Cal eligibility determination costs if federal financial participation is deferred or disallowed, and would specify the department is not responsible for transferring federal funds to counties after notice of federal deferral or disallowance until the deferral or disallowance issue regarding the funds has been resolved.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1228 (AB 900) Polanco. Property taxation.

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.

(1) This bill would extend the welfare exemption to property used exclusively for an emergency or temporary shelter, as defined, and related facilities for homeless persons and families and owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations meeting the specified requirements referred to above.

This bill would provide for a partial exemption for that property in the event that it includes some nonexempt housing or related facilities.

(2) This bill would include, in the definition of a hospital, for purposes of the welfare exemption, a nonprofit multispecialty clinic as specified.

(3) This bill would make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code.

(4) This bill would become operative for the 1988–89 fiscal year and fiscal years thereafter.

Ch. 1229 (AB 998) Hauser. Tule elk.

The Department of Fish and Game is required to relocate tule elk in areas suitable to them in the state and to cooperate to the maximum extent possible with federal and local agencies and private property owners in relocating tule elk in suitable areas under their jurisdiction or ownership. The Fish and Game Commission is prohibited from authorizing hunting of elk until the population exceeds 2,000 or the Legislature makes

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

a specified finding

This bill would, instead, authorize the commission to permit that hunting under specified conditions. The bill would authorize the issuance of an elk hunting license upon payment of a fee of $165, as adjusted for inflation The license fee could include a nonrefundable application fee for payment of the costs of tule elk management. The bill would require the department to develop management plans for high priority areas, as specified.

The bill would appropriate $150,000 from the Fish and Game Preservation Fund to the department for expenditure in the 1987–88 and 1988–89 fiscal years for purposes of the bill

The bill would declare that it is to take effect immediately, as an urgency statute

Ch. 1230 (AB 1113) Bradley. Architecture.

Existing law provides for the licensure and regulation of architects, as specified

This bill would authorize the State Board of Architectural Examiners to grant reciprocal licensure to individuals licensed as architects in jurisdictions other than this state upon satisfaction of the board's requirements for licensure, including, but not limited to, successful completion of an examination, as specified This bill would also provide that the principals, as defined, of all parties to any business association legally formed in this state, and providing, or offering to provide, architectural services in this state, shall be licensed by the board.

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.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1231 (AB 1189) Bradley. Mammals: animal trust fund

Existing law does not specifically provide for the care and maintenance of mammals which are not normally domesticated in this state

This bill would establish the Animal Trust Fund in the State Treasury. The Department of Fish and Game would be authorized to seek grants and to accept donations from private and public organizations and agencies for the fund.

The bill would require the Director of Fish and Game, with the advice of an existing advisory committee to the director on the humane care and treatment of wild animals, to establish and administer a grant program by which persons who operate facilities to care and shelter mammals, which are not normally domesticated in this state and which affect commerce, may apply for grants for maintenance, operations, and capital improvements.

The bill would also require allowance for per diem and mileage expenses for members of that advisory committee who are eligible for those expenses for attending committee meetings involving these provisions

Ch 1232 (AB 1223) Calderon Victims of crime

Existing law authorizes indemnification by the State Board of Control of victims of crimes, as defined, pursuant to specified procedures. Existing law provides that if an application for indemnification is accepted by the board as fully verified, the board shall process the claim within 90 days including payment on an approved claim

This bill would, instead, require that the board shall process claims within an average of 90 days. Any verification would be required to be performed within this time period. If the board does not comply with this time period, it would be required to thereafter submit a quarterly report to the Legislature on its progress and its current average time of processing a claim until the standard is met. The bill would permit the board to make certain additional payments to specified victims of sexual assault

Existing law provides for the levying of an assessment equal to $5 for every $10 or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the

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

courts for criminal offenses and provides for a monthly transfer to specified funds of assessments collected.

This bill would increase the amount of each assessment to $7 for every $10 or fraction thereof imposed and collected by the courts.

This bill would specify that of the moneys so deposited, $2 of every $7 collected shall be transmitted to the State Treasury for deposit into the Restitution Fund. Because the Restitution Fund is continuously appropriated, this bill would make an appropriation by providing a new source of funds for that fund.

Existing law provides for the establishment in the State Treasury of the Victim-Witness Assistance Fund to be administered by the Office of Criminal Justice Planning, as specified.

This bill would delete obsolete language relative to the creation of the above fund.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1233 (AB 1375) Roos. Schools. educational films or video tapes

Existing law governs the acquisition of instructional materials for elementary and secondary schools.

This bill would require the Superintendent of Public Instruction to contract for the production of 2 films or video tapes The subjects of the films or video tapes would be the internment in the United States of persons of Japanese origin and the Armenian genocide. This bill would require the Curriculum Development and Supplemental Materials Commission to review, and would authorize the commission to adopt, the films or video tapes and would require the State Department of Education, upon their adoption by the Curriculum Development and Supplemental Materials Commission, to make these films or video tapes available to public schools. This bill would also make various legislative findings and declarations relative to the need for these films or video tapes as a resource for teaching pupils.

This bill would direct that, from the unallocated portion of certain federal funds apportioned to the State Department of Education, the department is to allocate the sum of $100,000 to the superintendent for the production of the films or video tapes pursuant to this bill This bill would thereby constitute an appropriation.

Ch. 1234 (AB 1501) Hannigan 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 1985–86, inclusive, in Yolo County, as distributed as of July 1, 1986, 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 Yolo County Auditor's Tax Distribution Report for those fiscal years, dated October 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 declare that it is to take effect immediately as an urgency statute.

Ch. 1235 (AB 2047) Katz Health facilities. long-term health care facilities.

Existing law does not make long-term health care facilities liable to reimburse a patient for, or to replace, stolen or lost patient property.

This bill would require a long-term health care facility, as defined, which fails to make reasonable efforts to safeguard patient property, to reimburse the patient for, or to replace, stolen or lost patient property at its then current value. Since a violation of this requirement would be a misdemeanor under an existing provision of law, this provision of the bill would impose a state-mandated program.

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

This bill would establish a rebuttable presumption that a facility has made reasonable efforts to safeguard patient property and exempt it from citation or deficiency by the department for violation of the provisions enacted by the bill, if all of various prescribed conditions have been met by the facility.

The bill would also make unlawful any provision of a contract of admission, as prescribed, which requires or implies a lower standard of responsibility for the personal property of residents of long-term health care facilities than is required by law Since a violation of this provision would be a misdemeanor under an existing provision of law, this provision of the bill 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. 1236 (AB 2165) Costa. Community colleges: earthquake safety· buildings.

Under existing law, school districts and community college districts are required to have certain buildings examined for safety for school use, and are required to repair, reconstruct, or replace unsafe buildings. These provisions are known as the "Field Act "

This bill would authorize the governing board of the State Center Community College District to use a specified building for purposes of its educational programs, notwithstanding the provision of the "Field Act." The bill would make a legislative finding and declaration of unique circumstances in this regard.

Ch 1237 (AB 2274) Frazee. Minors: abortion: dependent children.

(1) Existing statutory law authorizes an unmarried minor to give consent to the furnishing of hospital, medical, and surgical care related to the prevention or treatment of pregnancy without the consent of a parent, excepting sterilization procedures. This provision has been judicially construed to authorize, and constitutional principles have been held to authorize, a minor to consent to an abortion

This bill would set forth specified findings by the Legislature, would recast the above statute to authorize an unemancipated minor to give consent to the furnishing of the specified care related to the treatment of pregnancy, but would except abortion as well as sterilization procedures It would provide that an abortion may not be performed on an unemancipated minor unless certain specified procedures are complied with The bill also would establish a state-mandated local program as it would make it a misdemeanor for any person to perform an abortion on an unmarried minor without compliance with these requirements.

(2) Existing law specifies the procedures pursuant to which a minor may be adjudged a dependent child of the juvenile court. It also provides that parental rights with regard to a child may be terminated on any one of various grounds, as specified

This bill would revise procedures relating to appointment of counsel for a minor alleged to be eligible to be adjudged a dependent child of the juvenile court, including requiring appointed counsel for a minor to represent the minor in specified additional proceedings. These provisions of the bill would be operative on July 1, 1988, and only if SB 203 is enacted and contains specified procedures relating to trial court funding. Because the bill would impose additional duties upon local officials by requiring expanded representation by counsel, including publicly employed attorneys so appointed, in dependency proceedings, 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, 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 for certain costs no reimbursement is required by this act for a specified reason

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those

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

costs 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 Funds

Ch 1238 (AB 2576) Hayden. Community colleges: representation fee.

Current law authorizes any group of students to organize a student body association within the community colleges with the approval of, and subject to the control and regulation of, the governing board of the community college district.

This bill would revise and recast those provisions. The bill would require the association to encourage students to participate in the governance of the college. The bill would authorize the governing board of a community college district to authorize the students of a college to organize more than one student body association under specified circumstances The bill would authorize a community college district to assume responsibility for activities formerly conducted by a student body association if the student body association is dissolved The bill would authorize the governing body of the association to order that an election be held for the purpose of establishing a student representation fee, as prescribed The bill would impose a state-mandated local program to the extent that, if the governing board of the association orders an election, specified duties would be imposed on the community college.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 1239 (SB 1148) Bergeson. Penalty assessments.

Existing law provides for the establishment by boards of supervisors of Courthouse Temporary Construction Funds and County Criminal Justice Facility Temporary Construction Funds, to be funded by penalty assessments, as specified

This bill would authorize the establishment by boards of supervisors of County Automated Fingerprint Identification Funds, to be funded by penalty assessments, as specified.

This bill would also revise provisions relating to penalty assessments contingent on the prior enactment of SB 738 or AB 1223.

Ch. 1240 (SB 12) Maddy Emergency medical services. hospital emergency patient transfers

(1) Under the existing Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, a system is established to provide emergency medical treatment to those in need thereof In addition, an assessment of $5 for every $10 or fraction thereof is imposed upon various fines, penalties, and forfeitures imposed and collected by the courts.

This bill would permit an additional assessment of $1 to be imposed on the above-described fines, penalties, and forfeitures by each county, upon the adoption of a resolution by the county board of supervisors. It would require that the additional assessment be deposited in an Emergency Medical Services Fund, if established by each county, as permitted by the bill.

The bill would specify that ⅔ of the moneys in each Emergency Medical Services Fund would be used to reimburse, after provision for payment of administrative costs, physicians, as specified, for a percentage of the losses they incur in providing emergency medical services. One-third of the moneys in each fund would be used for other emergency medical services purposes as determined by each county. The reimbursements would be made according to specified procedures, as determined by the agency administering each fund. A county could elect to have the state administer its fund under a specified condition.

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

(2) Under existing law, various provisions regulate hospitals and the treatment of patients.

This bill would regulate the treatment of patients brought to hospital emergency departments and the transfer of those patients to other medical facilities. It would prohibit basing an emergency patient's treatment on the patient's race, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, physical or mental handicap, insurance status, economic status, or ability to pay for medical services, unless the circumstances are medically significant to the provision of appropriate medical care to the patient. The bill would revise the definition of "emergency services and care" and "medical hazard" and define "consultation" and "within the capability of the facility " It would specify conditions under which emergency medical patients may be transferred and procedures which may be followed. Hospitals would be required to adopt policies and transfer protocols consistent with the bill and a hospital's compliance with specified procedures would be a condition of licensure or revocation thereof. Violators could also be fined not to exceed certain amounts, as specified for both hospital and physician violations, and taking into account certain factors This bill would also create certain civil actions, as specified The receiving hospital, and physicians, emergency room health personnel, and certified prehospital emergency personnel at the receiving hospital would be required to, and the corresponding personnel at the transferring hospital and the transferring hospital would be permitted to, report all apparent violations known to them to the State Department of Health Services for investigation. Local emergency medical services agencies would also be obligated to mandate protocols, guidelines, and transfer agreements. These requirements would impose a state-mandated local program upon these agencies.

(3) This bill would also provide that the Governor shall request the federal government to credit certain monetary penalties against subsequent penalties assessed by the federal government and require the department to take certain actions to ensure that a specified cumulative maximum limit of fines assessed under state and federal law is not exceeded. The bill would specify under what conditions a hospital is obligated to accept the transfer of a patient, and would require a hospital that is unable to accept the transfer of a patient for whom it is legally or contractually liable, to make arrangements for the patient's care. The bill would require receiving hospitals which do not accept transfers of, or make other appropriate arrangements for, certain medically stable patients for which they are contractually or statutorily obligated to provide care, to be liable for certain costs, as specified It would state that the provisions described in this paragraph are not intended to change existing law or court decisions with respect to reimbursement by 3rd-party payors for emergency care or obligations of receiving hospitals

(4) Under existing law, the medical direction and management of an emergency medical services system on the local level is under the control of the medical director of the local emergency medical services agency.

This bill would establish procedures for the medical director of a base station who questions the medical effect of a policy of a local EMS agency to have a hearing on the matter. This hearing procedure would impose a state-mandated local program.

(5) The bill would create new misdemeanors thus imposing additional duties on local law enforcement agencies, thereby constituting 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 Claim 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 for certain costs no reimbursement is required by this act for a specified reason.

The bill would also specify that it is not the intent of the Legislature in enacting a specified portion of the bill to mandate either a new program or higher level of service and therefore no reimbursement for these provisions is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution.

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

Moreover, the bill would provide that no reimbursement shall be made from the State Mandates Claim Fund for other 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 those other costs.

Ch. 1241 (SB 1042) Seymour. Public guardian. [17]

Existing law authorizes counties to create an office of public guardian, to act as guardian or conservator of persons or estates of persons where it appears such services are required.

This bill would establish an 18-month pilot program to require the public guardian of certain participating counties to contract with eligible agencies, as defined, to provide certain financial services for seniors.

The bill would appropriate $240,000 from the General Fund to the Controller, for allocation to Los Angeles, Orange, San Francisco, and Yolo Counties, according to a specified schedule

Ch. 1242 (SB 1360) Royce. Foster children: education [18]

Existing law authorizes school districts to provide educational services for foster children residing within the district. Certain provisions of existing law provide funding for 4 specified school districts' foster children services programs.

This bill would require the Legislative Analyst to contract for a study to compare and evaluate the programs conducted in the 4 specified districts, with those conducted in the other school districts, as specified, and to report the results of the study by April 15, 1989.

This bill would provide that the expansion of school district foster children services programs shall be a state priority, if certain conditions are met, including statutory and administrative approval of a certain finding of the Legislative Analyst

This bill would appropriate $100,000 from the Foster Children and Parent Training Fund to the Legislative Analyst for the purposes of this study, as specified. The bill would also appropriate from the General Fund an amount necessary to increase the funding under this bill to $100,000 if there are insufficient funds within the Foster Children and Parent Training Fund to provide that amount.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1243 (SB 1410) Bergeson. Seismic safety. preparedness activities [19]

Existing law requires the Seismic Safety Commission, in conjunction with local, state, and federal agencies, to undertake a comprehensive program to prepare the state for responding to a major earthquake prediction. Existing law requires the Office of Emergency Services to administer the Southern California Earthquake Preparedness Project through June 30, 1990.

This bill would require the Southern California Earthquake Preparedness Project area to be expanded to include the Counties of San Diego and Imperial and would require a local advisory board to be established to provide advice and guidance on project activities in these counties The bill would appropriate $200,000 from the General Fund for the 1987–88 fiscal year to the Office of Emergency Services for furthering comprehensive earthquake preparedness in San Diego and Imperial Counties

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1244 (AB 78) Jones. Food· imported foods survey. [20]

Existing law does not require the State Director of Health Services to conduct a survey of imported foods destined for California consumers, to determine the extent that the foods bear or contain contaminants of health concern.

This bill would require the director to conduct such a survey, as prescribed, and to submit, as a final report, the results of the survey to the Legislature by March 1, 1991, together with recommendations concerning the need for this type of monitoring on a continuing basis. It would also require annual reports describing the survey's findings from the previous year be submitted to the Legislature on or before March 1 beginning in 1989 These provisions would be operative only until April 1, 1991, and would be

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

repealed January 1, 1992, unless a later enacted statute which is chaptered on or before January 1, 1992, deletes or extends the April 1, 1991, date.

This bill would appropriate $150,000 to the State Department of Health Services for the period January 1, 1988, through June 30, 1988, for the purposes of the provisions of the bill

Ch. 1245 (AB 1820) Vasconcellos Postsecondary education· Human Corps [21]

Existing law does not require college students to participate in community activities.

This bill would create the Human Corps within the University of California and the California State University, and would encourage students to participate in the Human Corps by providing an average of 30 hours of community service in each academic year, as specified.

This bill would require the California Postsecondary Education Commission to annually, by March 31, conduct progress reports on student participation in the Human Corps, as specified

This bill would require the commission to conduct a comprehensive evaluation by March 31, 1994, as specified.

This bill would require that all progress reports and the comprehensive evaluation be submitted to the appropriate fiscal and policy committees of the Legislature.

The bill would appropriate $70,000 to the University of California and $170,000 to the California State University for its purposes, as specified

Ch. 1246 (AB 1650) Isenberg. Year-round educational programs: demonstration project.

Existing law authorizes certain incentive payments to be made to school districts that operate on a year-round basis.

This bill, in addition, would establish a program under which 5 elementary schools selected by the Superintendent of Public Instruction would each operate a year-round five-track educational program for a period of not less than 4 years, as specified. The purposes of the program would include the increase of pupil enrollment in the participating schools, a reduction in class size, an improvement in academic achievement, and a reduction in costs and absentee rates, as specified. The bill would authorize a school district to request termination of its school's participation in the project, subject to approval of the Superintendent of Public Instruction, if, following submission of program data for 1990, the program at the participating school is deemed unsuccessful under certain criteria.

This bill would appropriate $20,000 to the superintendent for administrative costs incurred pursuant to this bill and would thereby constitute an appropriation.

This bill would provide that all schools participating in the demonstration program shall be eligible to receive, and given priority for, a maximum allocation of funds under existing provisions that direct the State Allocation Board to fund the expenses of air-conditioning equipment and insulation materials for schools operating on a year-round or continuous basis.

This bill would also, with certain prescribed exceptions, prohibit the board from approving an application, after January 1, 1990, for school project funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, or for the lease of one or more portable classrooms under the Emergency School Classroom Law of 1979, unless a study examining the feasibility of implementing in the district a year-round multitrack educational program accompanies the application, as specified. The bill would additionally require that, commencing July 1, 1989, applicant districts under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 that demonstrate current or planned use of a year-round multitrack educational program, as specified, receive first priority for project funding

Ch. 1247 (AB 1731) Areias Sentencing

Existing law provides that the victim of any crime, or his or her parent or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, has the right to attend all sentencing proceedings, as specified, and has the right to express his

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

or her view concerning the crime.

This bill would, with respect to all felony convictions, require the court, at the time of sentencing or pronouncement of judgment in which sentencing is imposed, to make an oral statement that statutory law permits the award of conduct and worktime credits and credit for presentence incarceration served by the defendant. This bill would require the probation officer to provide a general estimate of the credits to which the defendant may be entitled, and to inform the victim pursuant to specified provisions of current law. This bill would require the probation officer to file this estimate with the court and would specify that it shall become a part of the court record. This bill would impose a state-mandated local program by imposing additional duties on county probation departments.

The California Constitution requires 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. 1248 (AB 1765) Bronzan. Indigents: health services

Existing law provides that the California Medical Assistance Commission shall negotiate contracts binding upon the State Department of Health Services with hospitals for the provision of inpatient hospital services under the Medi-Cal program.

The bill would state the intent of the legislature that the State Department of Health Services review costs incurred by providers who have been approved by the California Medical Assistance Commission for participation in the Expanded Choice Pilot Project and provide fair reimbursement for specified expenditures.

The bill would appropriate $1,000,000 from the General Fund to the State Department of Health Services to implement this bill.

Ch. 1249 (AB 1928) Bader School facilities finance: Central School District.

Under existing law, any school district applying for state project funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (hereafter referred to as the "Greene Act") is required to comply with a matching share requirement for the building cost portion of any project for the new construction or rehabilitation of school facilities. The matching share is computed on the basis of the maximum fee that the district is authorized, under other provisions of law, to levy upon residential, commercial, and industrial development in the district.

This bill would specify that, pursuant to any application for project funding under the Greene Act filed by the Central School District, the matching fund share would be limited to the amount of the sums of money paid to the district by the developer on or after January 1, 1987, for the district's cost of providing interim school facilities to grades 7 and 8, which amounts are paid to the district under a 1984 agreement with the developer, as subsequently amended.

This bill would also prohibit the imposition upon the developer's project that is the subject of that 1984 agreement, any school facilities fee or other requirement by any other school district, except the fee or other requirement imposed and customarily collected by the Chaffey Joint Union High School District of San Bernardino County, as specified, and would exclude, from the calculation of existing adequate school construction under any Greene Act application filed by the Central School District, the area of the interim school facilities made temporarily available to the district by the developer for kindergarten and grades 1 to 6, inclusive.

This bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 1250 (AB 1941) Quackenbush. Vehicle weight limits: State Highway Route 85.

Existing law prescribes procedures and conditions for the adoption of city and county ordinances which decrease the otherwise applicable maximum gross weight limitations for vehicles on state highways. Under existing law, a proposed ordinance is required to be approved by the Department of Transportation before becoming effective.

This bill would modify the prescribed procedure with respect to the freeway segments of State Highway Route 85 in Santa Clara County, so as to provide for the department's approval of a proposed ordinance of the county, which was concurred in by each city within the highway corridor, to impose a maximum gross truck weight limit of 9,000 pounds on a specified portion of Route 85 prior to the execution of freeway agreements for stipulation in the agreements.

The bill would require the department, upon approving the ordinances, to post Route 85 as specified.

Ch. 1251 (AB 2196) Friedman. Health long-term health facilities

(1) Existing law requires a long-term health care facility to give specified written notice to the affected patients or their guardians at least 30 days prior to any change in the status of the license or in the operation of the facility resulting in the inability of a facility to care for its patients The notice does not apply to actions initiated by the State Department of Health Services to suspend or revoke the facility's license The facility is required to provide staff assistance to obtain alternative placement and to respond to certain inquiries.

(2) This bill would require a long-term care facility, when patients are transferred due to any change in the status of the license or operation of the facility, to take reasonable steps to transfer affected patients safely, and to minimize transfer trauma by, at a minimum, providing a medical assessment and an evaluation of relocation needs of, and counseling and other pretransfer services to, the patient.

The bill would also require the facility, at least 30 days in advance of the transfer, to notify the patient or his or her guardian, agent, or responsible party, of the services required to be provided by the bill and of alternative facilities available and adequate to meet the patient's needs Under certain circumstances, the facility would also be required to arrange for appropriate future medical care and services

The bill would require, under specified circumstances, that a facility develop a relocation plan, with the patient, the department, and the local ombudsperson to be notified of the plan, as specified

(3) The bill would specify that in the event of a temporary suspension of a facility's license, the requirement to notify patients of the availability to receive services from the facility, pursuant to the bill, shall not apply, but relocation services required by the bill would still be required to be provided by the facility, including notice of alternative facilities

(4) The bill would require the department, under certain circumstances to provide the relocation services required by the bill, in which case the facility would be required to reimburse the department for the costs of the services.

(5) The bill would require each facility to have an approved emergency preparedness plan, as specified. In the event of any emergency which threatens the patient's safety and health the facility would be required to make certain notifications and to provide certain services or actions

(6) Since under existing law, a violation of these provisions is a misdemeanor, this bill would impose a state-mandated local program.

The bill would provide that any facility that does not comply with its requirements is subject to citations and fines under the Long-Term Care, Health, Safety and Security Act of 1973

(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

---

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

Ch 1252 (AB 2588) Connelly. Air pollution: air toxics emission assessments and plans.

(1) Under existing law, the State Air Resources Board adopts, and air quality management districts and air pollution control districts implement, rules and regulations for the control of air pollutants emitted from stationary sources and issue permits for the operation of facilities which emit air pollutants.

This bill would enact the Air Toxics "Hot Spots" Information and Assessment Act of 1987. The bill would require the state board to compile a list of substances which present a chronic or acute threat to public health when present in the ambient air, as specified. The bill would require the operator of specified facilities which emit air toxics to prepare and submit to the district, in accordance with a designated schedule, a proposed comprehensive emissions inventory plan in accordance with rules and regulations adopted by the state board for this purpose and to submit the proposed plan to the district for review and approval by August 1, 1989, for certain facilities, and by August 1, 1990, for other facilities, as specified. The bill would, as an alternative, permit a district to prepare an industrywide emissions inventory and health risk assessment for any class of facilities that meet designated conditions

The bill would require the operator of a facility, within 180 days after approval of the plan for that facility, to implement the plan and report thereon to the district. The bill would require the district to review the report and notify the State Department of Health Services, the Department of Industrial Relations, and the city or county health department of its findings and determinations The bill would require the operator of a facility to update the emissions inventory biennially. The bill would require the state board, on or before July 1, 1989, to compile and make available to other state and local public agencies all data collected under these provisions and, on or before March 1, 1990, emissions inventory data for mobile sources and area sources not subject to district permit requirements, and data on natural source emissions by district.

The bill would provide a procedure whereby an operator may designate any information required to be submitted to the district as a trade secret not for public disclosure. If the district is requested to disclose any information so designated, it would be required to notify the operator, who would have 30 days to obtain a court order declaring that the information is a trade secret and not a public record and prohibiting its disclosure. The bill would make the knowing and unauthorized disclosure of trade secret information by a district officer or employee a misdemeanor, thereby imposing a state-mandated local program

The bill would require the district, within 90 days of completion of the review of emissions inventory data, but not later than December 1, 1990, to prioritize and categorize facilities for purposes of health risk assessment into high, intermediate, and low priority categories, taking specified matters into account The bill would require the operator of every high priority category facility, within 150 days of categorization, to prepare and submit to the district a health risk assessment utilizing scientific methodologies, as specified, and would specify what the health risk assessment is to contain and how it is to be prepared. The bill would require the district to approve the health risk assessment Upon that approval, the bill would require the operator to notify all exposed persons regarding the health risk assessment if, in the judgment of the district, the assessment indicates a significant health risk associated with emissions from the facility. The bill would require the district to prepare and publish an annual report summarizing all health risk assessments

The bill would direct the state board to utilize the reports and health risk assessments developed pursuant to the bill to identify and control toxic air contaminants pursuant to other provisions.

The bill would direct the state board to adopt fees to be paid by operators of facilities subject to the bill to meet the costs of the state board, the districts, and the department under the bill. The bill would direct the state board, with the participation of the districts on a voluntary basis, to establish a technical review group for purposes of developing a fee schedule. The districts would collect the fees and any applicable administrative civil penalties, deduct their costs, and transmit the balance to the Controller for deposit

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

in the Air Toxics Inventory and Assessment Account in the General Fund, which the bill would create. The money in the account would be available, upon appropriation to the state board and the department, for purposes of the bill.

The bill would require every district to adopt the requirements of the bill in its district permit system.

The bill would provide for specified civil penalties for violations of the bill.

The bill would specify that all provisions of the act would become operative on July 1, 1988, except provisions directing the state board to adopt fees to be paid by operators of facilities subject to the bill.

By imposing these requirements on districts 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, 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 by this act for a specified reason

Moreover, the bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for other 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 those other costs

Ch. 1253 (AB 2670) Johnston. School facilities· Field Act Stockton Unified School District

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 Stockton Unified School District to use specified portable buildings for classroom purposes until January 1, 1990, and would exempt these buildings from the provisions of the Field Act for the duration of this use

This bill would declare that it is to take effect immediately as an urgency statute

Ch 1254 (AB 2509) Speier Schools asbestos inspections [22]

Existing law provides for the inspection of school facilities and the removal of asbestos material which poses a hazard to health Pursuant to existing law the State Asbestos Abatement Fund is established for the purpose

Existing law specifies the factors to be considered in determining the need for abatement of friable or potentially friable asbestos, including, but not limited to, visual inspections, bulk samples, and air monitoring

This bill would specify that the airborne concentrations of asbestos to be monitored shall be in the school building

Existing law provides that for the purposes of specified reconstruction and rehabilitation projects, air monitoring shall not be required to determine the need for abatement of friable or potentially friable asbestos.

This bill would limit this exclusion from the air monitoring requirement to specified abatement-related work which commenced on or after October 2, 1985, and which was for the purposes of abating asbestos contained in pipe and block insulation

Existing law provides that for the purposes of air monitoring, the operating agency for each public school building in which friable asbestos-containing materials have been identified shall monitor airborne asbestos levels in the sampling area.

Existing law excludes pipe and block insulation materials from this air monitoring requirement

This bill would also exclude materials to be abated during rehabilitation or reconstruction projects, as specified, from this air monitoring requirement

Existing law requires that the results of this monitoring shall be recorded in terms of the number of visible fibers greater than 5 microns in length per cubic centimeter of air, as specified.

This bill would, instead, require that the results be recorded in terms of the number

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

of visible fibers greater than 1 micron in length per cubic centimeter of air, as specified

This bill would authorize the Department of Industrial Relations to enter into sole-source, noncompetitive contracts for reinspection of schools, as specified

This bill would appropriate $100,000 from the State Asbestos Abatement Fund to the Department of Industrial Relations for reinspection of school facilities, as specified, and would require that federal funds received for this purpose be used in lieu of these funds, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1255 (SB 279) Presley Corrections.

(1) Existing law contains various provisions concerning the punishment of criminal offenders.

This bill would establish the Blue Ribbon Commission on Inmate Population Management. It would consist of 25 voting members, including those appointed by the Governor, the Senate Rules Committee, the Speaker of the Assembly, and the California Judges Association, and specified ex officio members.

The commission would examine matters related to the correctional system, would determine prison and jail population and cost projections, would study alternatives and options for criminal punishment, would be granted specified powers, and would make recommendations to the Governor and the Legislature

These provisions would remain operative for 2 years, and would be repealed January 1, 1990.

(2) The bill would appropriate $50,000 from the General Fund to the commission for purposes of the bill.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1256 (SB 1067) Petris. Crimes: smoking on transportation vehicles and in waiting areas.

(1) Under existing law, smoking in areas where prohibited on or in the facilities or vehicles of a public transit system or of an entity subsidized by the Department of Transportation is an infraction punishable by a fine not to exceed $250 or by prescribed community service.

This bill would prohibit any person from smoking in any vehicle of a passenger stage corporation, the National Railroad Passenger Corporation (Amtrak) except to the extent permitted by federal law, in any aircraft except to the extent permitted by federal law, on a public transportation system, or in any vehicle of an entity receiving any transit assistance from the state. Violation of this prohibition would be an infraction, as specified, thus imposing a state-mandated local program by creating a new crime

The bill would require a notice of prohibiting smoking to be posted in each vehicle subject to the bill The bill would also require the posting of nonsmoking areas in waiting rooms and ticket lines. Smoking in a posted area would likewise 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. 1257 (AB 999) Farr. Counties. transactions and use tax

The existing Sales and Use Tax Law imposes a sales tax upon all retailers at the rate of 4 75% of gross receipts of the retailer and a use tax at the same rate with respect to the sales price of tangible personal property In addition, counties and cities are authorized pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law to impose local sales and use taxes in conformity with state sales and use taxes at the rate of 1.25% and, under the Transactions and Use Tax Law, counties, transit districts, and other public entities are further authorized to impose a transactions and use tax to finance rapid transit systems at the rate of 0.5%.

This bill would authorize any board of supervisors of any county with a population of 350,000 or less on January 1, 1987, to impose an additional transactions and use tax of

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

0.5%, if the ordinance or resolution proposing that tax is approved by a ⅔ vote of all members of the board and the tax is approved by a majority vote of the qualified voters.

This bill would prohibit the combined rate of tax imposed in any county by any entity pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the Transactions and Use Tax Law, this bill, and any other provision of law authorizing the imposition of local sales or transactions and use taxes from exceeding 2.25%.

Ch. 1258 (AB 2505) Stirling. Justice facility financing: San Diego County.

(1) The existing law relative to justice facility construction specifically authorizes the County of San Diego 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 Other provisions, applicable to all counties, authorize the establishment of a similarly funded County Criminal Justice Facility Temporary Construction Fund. Existing law also authorizes the City of San Diego and the County of San Diego to create by joint powers agreement, the San Diego Courthouse, Jail, and Related Facilities Development Agency for the acquisition, construction, improvement, financing, and operation of a combined courthouse-criminal justice facility, as specified, and provides for the governing body of the agency, its powers, and funding.

Existing provisions of the Transactions and Use Tax Law permit districts, as defined, to impose transactions and use taxes in conformity with state sales and use taxes on the sale, storage, use, or other consumption in the district of tangible personal property, unless, that sale, storage, use, or other consumption is exempt from that tax. For that purpose, a district includes any county authorized to impose transactions and use taxes Existing law also establishes the San Diego County Regional Justice Facility Financing Act, which, among other things, authorizes the Board of Supervisors of the County of San Diego to impose for the purpose of financing the regional justice system, as specified, a transactions and use tax for up to 5 years at a rate not exceeding ½%, if approved by a ⅔ vote of voters voting on the measure.

This bill would repeal and reenact the San Diego County Regional Justice Facility Financing Act, creating a new agency, the San Diego County Regional Justice Facility Financing Agency, the board of directors of which would be composed of 7 members, as set forth in the bill The agency would have various, specified powers with respect to justice facility financing, including the authority to supplement existing local revenues being used for the development of regional justice facilities by the imposition of a transactions and use tax pursuant to the Transactions and Use Tax Law at a rate not exceeding ½%, as specified, upon approval of a majority of the electors of the county voting thereon at a special election called for that purpose by the agency. The ballot proposition for the transactions and use tax would be required to include authorization to issue bonds payable from the proceeds of the tax and to establish the appropriation limit of the agency, as specified.

The bill would impose a state-mandated local program by creating a new local agency, and by imposing new duties on the County of San Diego.

(2) Existing law establishes the Bradley-Burns Uniform Local Sales and Use Tax Law.

This bill would also include as a "district" for purposes of that law, the San Diego County Regional Justice Facility Financing Agency, if it is authorized to impose transactions and use taxes, as specified

(3) The bill would also limit the combined rate of local sales or transaction and use taxes in San Diego County, 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 provide that no reimbursement is required by this act for a specified reason.

Ch. 1259 (AB 1839) Katz. Transportation high speed rail.

Existing law does not establish a joint commission between California and Nevada to study the construction of a high speed rail system between Las Vegas, Nevada, and

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

southern California

This bill would enact an interstate compact, to be operative until January 1, 1992, to create the California-Nevada Super Speed Ground Transportation Commission. The commission would be composed of 8 members from each state and would be authorized to prepare a study, secure a right-of-way, and award a franchise for the construction and operation of a super speed ground transportation system, at no expense to the State of California, principally following the route of Interstate 15 between Las Vegas, Nevada, and a point in southern California. The bill would specify the authority of the commission to accomplish this project Before the commission or a franchisee could begin construction and before receipt of final certificates and permits, the route and terminals selected by the commission, as part of the final study, would first have to be submitted to, and ratified by, the Legislatures of California and Nevada Furthermore, the site selection of the western terminus would be subject to prior approval by the board of supervisors of the county in which the site is proposed

Ch 1260 (SB 1409) Bergeson Child welfare services.

Existing law requires the state, through the State Department of Social Services and county welfare departments, to establish and support a public system of statewide child welfare services. Child welfare services include, among other things, family reunification services.

This bill would require the State Department of Social Services to establish an advisory committee, consisting of specified representatives, to assist the department in the development of day treatment standards in order that the programs can be created as an alternative to placement in foster care and as a means of reunifying children with their families, and would require the department to report on day treatment to the Legislature no later than April 1, 1988

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1261 (AB 1896) Bronzan. Chemical dependency.

Under existing law, a county may apply to the State Department of Alcohol and Drug Programs for state or federal alcohol funds to conduct county alcohol programs.

This bill would require the department to urge each county alcohol program plan to develop, by January 1, 1988, specific policies and procedures to address the treatment problems presented by persons who are both mentally disordered and chemically dependent.

This bill would declare that it is to take effect immediately as an urgency statute

Ch 1262 (AB 2120) McClintock Property taxation claims for refund refund suits.

Existing law requires the State Board of Equalization to notify an assessee of state assessed property of its decision on a petition for reassessment and to make written findings and conclusions if so requested at or prior to the commencement of the hearing on the petition.

This bill would require the board to send a copy of its decision and any written findings and conclusions thereon to each county in which the affected state-assessed property is situated

Existing law permits the commencement of an action in superior court against a county or city to recover any tax which the board of supervisors of the county or the city council of the city has refused to refund on a claim filed pursuant to specified provisions of law In actions brought by a state assessee to recover taxes paid on unitary property, the taxpayer is required to bring the action against each county and each taxing entity within each county in which the unitary property is situated.

This bill would establish a separate procedure for actions to recover taxes on state-assessed property based on board valuation of property, allocation of that valuation, or assessment ratio. This new procedure would include requirements relating to the form of the complaint, the service of summons and the complaint, the venue of these actions, the grounds for maintenance of these actions, the applicable period of limitations regarding these actions, and the joinder of these actions.

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

This bill would revise provisions dealing with the participation of cities in actions to recover taxes collected by counties on their behalf, including requiring county notification of cities of the pendency of those actions. This bill would require the payment of a nonrecoverable fee by the assessee for the costs of the county providing that notice. This bill would also delete provisions relating to the defense of cities in these actions by counties collecting taxes on their behalf.

Ch. 1263 (AB 2214) Friedman AFDC-FC.

Under existing law, to the extent required by federal law, the income of a dependent child and his or her natural or adoptive parent will be taken into consideration in determining Aid to Families with Dependent Children (AFDC) eligibility.

This bill would provide that the income of a guardian of an applicant for, or recipient of, foster care benefits shall not be considered available to the ward or to a child of the ward for purposes of eligibility determination and grant computation under the AFDC program

The AFDC program is supported in part by county funds. By increasing the cost of the program, this bill would impose a state-mandated local program

This bill would specify that its provisions do not constitute a change in, but are declaratory of, existing law.

Ch. 1264 (AB 1280) Areias. Contractors. examinations: waiver.

(1) Existing law establishes the Contractors' State License Board and specifies the powers and duties thereof.

This bill would authorize the board to contract with licensed professionals, as defined, for the site inspection of consumer complaints, as specified, would declare the findings and intent of the Legislature in this regard, and would require the board to report to the Legislature on or before January 1, 1990, on the effectiveness of using licensed professionals for those inspections

The bill would also require the board to implement a computerized enforcement tracking system for consumer complaints.

(2) Existing law requires an applicant for a contractor's license to take a written examination regarding the contracting business and trade

This bill would provide that, notwithstanding this provision, the registrar may waive the written trade examination for an applicant who applies for licensure in a trade for which the Contractors' State License Board, by regulation, has waived the written trade examination, and in those instances, experience submitted by the applicant would be subject to review and investigation.

The bill would also provide that in adopting a regulation by which waiver of a trade examination may be granted, the board shall give due consideration to the health and safety concerns of the trade, the frequency of complaints generated by the license classification for the trade, and the number of applicants for the trade.

(3) Existing law requires accusations against licensed contractors for disciplinary action to be taken within 3 years of the offending conduct.

This bill would require the accusation to be filed within that 3-year period or within 18 months from the date of the filing of the complaint with the registrar, whichever is later. It would require complaints against licensees alleging commission of any acts or omissions which may be grounds for legal action to be filed in writing with the registrar within 3 years after the act or omission alleged as the ground for the disciplinary action.

(4) The bill would also appropriate $3,191,000 from the Contractors' License Fund to the board for specified purposes.

(5) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1265 (SB 99) Dills. California State Lottery: conflict of interest.

Existing law authorizes the Director of the California State Lottery, subject to the approval of the California State Lottery Commission, to contract for the purchase or lease of goods or services for effectuating the purpose of the lottery in accordance with specified procedures

This bill would prohibit commission members, the director, and other lottery em-

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

ployees involved in a major procurement, from accepting any consideration from or employment with any lottery contractor successful in a procurement for specified periods after the end of the member's term or the employee's termination of employment with the lottery It would provide that in the event that the director, any commission member, or other lottery employee violates this prohibition, the commission may terminate the procurement contract.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1266 (SB 597) Mello. Sales and use taxes· exemption: public art.

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

The existing law exempts from state and local sales and use taxes original works of art which are purchased by state or local governments, nonprofit organizations, or for donation to a government entity or nonprofit organization, provided the art becomes part of the permanent collection of a museum or of a nonprofit corporation which loans its collection to museums. It also exempts from state and local sales and use taxes items which have value as museum pieces and used exclusively for display purposes which are purchased by certain nonprofit museums, as defined, to replace property destroyed by fire, flood, earthquake, or other calamity, under specified conditions.

This bill would expand those exemptions to certain purchases of public art by the state or any local government entity for display to the public in public places, as specified.

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 for a specified reason

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch 1267 (SB 850) McCorquodale. Structural pest control.

Existing law specifies a fee schedule with respect to licensure under the Structural Pest Control Act. Those moneys are deposited into the Structural Pest Control Fund which is continuously appropriated.

This bill would require that a $2 pesticide use stamp accompany certain of those fees The revenue derived would be deposited into the Structural Pest Control Research Fund which is created by the bill and continuously appropriated, for specified purposes

The bill would also authorize the Structural Pest Control Board to establish a research advisory panel, as specified.

Ch. 1268 (SB 1684) Kopp. Accord and satisfaction: checks and drafts

Existing case law has held that where a claim is disputed or unliquidated and the tender of a check or draft in settlement thereof is of such character as to give the creditor notice that it must be accepted in full discharge of his or her claim or not at all, the retention and use of that check may constitute an accord and satisfaction.

This bill would, in cases where the words "payment in full" or words of similar meaning are notated on a check or draft, provide that the acceptance of the check or draft does not constitute an accord and satisfaction if the creditor protests against accepting the tender in full payment by striking out or otherwise deleting that notation or if the acceptance was inadvertent or without knowledge of the notation; however, such a check or draft would constitute an accord and satisfaction if the check or draft is tendered pursuant to a composition or extension agreement between debtor and creditor, all creditors are accorded similar treatment, and the creditor receives the check or draft with knowledge of the restriction, as specified or, where the check or draft

---

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

is issued pursuant to, or in conjunction with, a release of a claim.

Ch. 1269 (AB 2330) Filante Northern California Youth Center: visitor center. [23]

Existing law provides for the establishment of the Department of the Youth Authority and prescribes its duties

This bill would appropriate $55,000 from the General Fund to the Department of the Youth Authority for the purpose of entering into a contract with a private nonprofit agency to provide an onsite visitor center and related facilities and services at the Northern California Youth Center. It also would set forth certain legislative findings and declarations relating to visitor services and centers, enumerate specified services that a visitor's center shall provide, and require the department to submit to the Legislature a prescribed report on or before January 1, 1989

The act would be operative until January 1, 1989.

Ch. 1270 (SB 1310) Presley Appropriation payment of claims: state-mandated local programs [24]

This bill would appropriate $49,649,834, as scheduled, to the Controller for the payment of claims of local government entities for reimbursement of costs incurred pursuant to specified state-mandated local programs and to cover deficiencies in prior appropriations for reimbursement of these costs

The amount appropriated by this bill would include $49,012,530 from the General Fund and $637,304 from the Restitution Fund

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1271 (SB 240) McCorquodale Mental health children's treatment facilities. [25]

Existing law requires the State Department of Mental Health to establish, by regulations, program standards for licensed community treatment facilities, as defined, and requires a public comment period on adoption of the regulations to commence not later than January 1, 1987

This bill would, instead, require the State Director of Mental Health to establish, by regulation, program standards for licenced facilities providing mental health treatment services to seriously emotionally disturbed children, as provided. Certification of compliance with the regulations would be a condition of licensure of these facilities

The bill would appropriate $45,000 to the State Department of Mental Health annually for one personnel year to carry out these provisions.

The bill would appropriate $55,000 to the office of the Attorney General for purposes of representing the State Department of Mental Health, as specified

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1272 (AB 1483) Bane. Horseracing

(1) Existing law prescribes the license fees for specified harness associations and requires those associations to pay an additional license fee at the rate of 0 75% of its daily exotic parimutuel handle.

This bill would create an exception to this requirement for any harness association which conducts a meeting on a track of one mile or longer and would require the association to retain those funds as an additional commission.

(2) Existing law requires racing associations generally, other than those conducting a meeting at a fairgrounds, to pay an additional 1% of the exotic parimutuel pool to the state as an additional license fee.

This bill would create an exception to this requirement for any association which conducts a harness meeting on a track of one mile or longer.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1273 (SB 14) Maddy Horseracing. California Horse Racing Board satellite wagering facilities

(1) Existing provisions of the Horse Racing Law require associations conducting horseracing meetings with parimutuel wagering to pay specified state license fees from

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

the deduction from the parimutuel pool and from the breakage.

This bill would exclude wagering at satellite wagering facilities from being used to determine the payment of license fees by specified associations conducting horseracing meetings. The bill would also revise the license fees required for a quarter horse racing meeting.

(2) Under existing law, a license issued by the California Horse Racing Board to conduct a horseracing meeting is required to include specified information.

This bill would require the license to include the number of usable stalls for the meeting. The bill would require the board to determine the number of usable stalls that each association or fair is to make available and maintain for a racing meeting.

(3) Under existing law, the board may authorize an association or fair licensed to conduct a racing meeting in the northern zone, or, with the approval of the Department of Food and Agriculture, any county fair, district agricultural association fair, or citrus fruit fair in the northern zone or specified counties not conducting a racing meeting, to operate a satellite wagering facility under specified conditions

This bill would additionally authorize the board to authorize an association licensed to conduct a racing meeting in the central or southern zone or, with the approval of the department, a fair in those zones, to operate a satellite wagering facility under different conditions than provided in existing law, but that no satellite wagering facility could be located within Los Angeles County or Orange County other than at the fairgrounds of the 50th District Agricultural Association or for limited satellite wagering on races at the 22nd District Agricultural Association fairgrounds, except as specified for a racing meeting of a fair in Orange County. The bill would also revise the conditions for operation of satellite wagering facilities in the northern zone.

The bill would require 42% of the state revenues from satellite wagering facilities located at fairs in the central and southern zones authorized under the bill to be paid to the Fair and Exposition Fund and, notwithstanding Section 13340 of the Government Code, would continuously appropriate these funds to the Department of Food and Agriculture for specified fair purposes. The remaining 58% of revenues from satellite wagering facilities at these fairs and from satellite wagering located at sites other than fairs in the central and southern zones would be paid to the General Fund.

The bill would require specified amounts handled by satellite wagering facilities in the central and southern zones to be paid to an organization to reimburse associations operating board-approved offsite stabling facilities of licensed associations providing additional stalls and to reimburse vanning expenses on race days of horses starting from the additional stalls of these board-approved facilities. The amount allocated to an organization for the stabling and vanning program could be adjusted by the board, not to exceed a specified amount of the handle at satellite wagering facilities. The bill would also specify other amounts to be deducted from the amounts handled at satellite wagering facilities for various specified purposes.

(4) Existing law, until January 1, 1988, authorizes the board to authorize any fair in the County of Kern, San Luis Obispo, or Santa Barbara to operate a satellite wagering facility even though the fair is not licensed to conduct a racing meeting.

This bill would, beginning on January 1, 1988, and until January 1, 1990, authorize the board to authorize a fair in Kern or Santa Barbara County to operate a satellite wagering facility which could receive signals from more than one geographic zone.

(5) Under existing law, the board is required to assess each racing association conducting a racing meeting for the total compensation to be paid to stewards assigned to the racing meeting and to maintain separate trust accounts in the State Treasury for the stewards compensation program

This bill would repeal these provisions on July 1, 1988. The bill would, on July 1, 1988, require the board to deposit in the Fair and Exposition Fund, from horseracing revenues it receives, an amount to pay the compensation for stewards and the official veterinarian, and for the costs of laboratory testing related to horseracing.

(6) Under existing law, any association other than a fair conducting a horseracing meeting with an average daily handle of $1,500,000 or more is required, and any fair or association with an average daily handle of $1,500,000 or less is authorized, to produce

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

a live audiovisual signal of its racing program and to make the signal available to authorized satellite wagering facilities

This bill would authorize associations or fairs providing audiovisual signals, or any combination thereof, to form an organization to operate, pursuant to board supervision, the production of the audiovisual signals Any organization formed would be authorized to provide the audiovisual signals and to administer the parimutuel operations of satellite wagering facilities as specified.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1274 (AB 866) Floyd. Horseracing: satellite wagering facilities.

(1) 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 on days on which general fair activities are conducted, except that any fair racing association which conducted racing in the central zone prior to January 1, 1970, is entitled to up to 3 weeks of racing.

This would instead entitle any fair racing association in the central or southern zone which conducted racing prior to January 1, 1980, to up to 3 weeks of racing.

(2) Under existing law, the California Horse Racing Board may authorize an association or fair licensed to conduct a racing meeting in the northern zone, or, with the approval of the Department of Food and Agriculture, any county fair, district agricultural association fair, or citrus fruit fair in the northern zone or specified counties not conducting a racing meeting, to operate a satellite wagering facility under specified conditions

SB 14 would additionally authorize the board to authorize an association licensed to conduct a racing meeting in the central or southern zone or, with the approval of the department, a fair in those zones, to operate a satellite wagering facility under different conditions than provided in existing law, except that no satellite wagering facility could be located within Los Angeles County or Orange County other than at the fairgrounds of the 50th District Agricultural Association or for limited satellite wagering on races at the 22nd District Agricultural Association fairgrounds, except as specified for a racing meeting of a fair in Orange County. SB 14 would also revise the conditions for operation of satellite wagering facilities in the northern zone.

SB 14 would require 42% of the state revenues from satellite wagering facilities located at fairs in the central and southern zones authorized under that bill to be paid to the Fair and Exposition Fund, and, notwithstanding Section 13340 of the Government Code, would continuously appropriate these funds to the Department of Food and Agriculture for specified fair purposes The remaining 58% of revenues from satellite wagering facilities at these fairs and from satellite wagering located at sites other than fairs in the central and southern zones would be paid to the General Fund.

This bill would revise those provisions with respect to acceptance of the live audiovisual signal of night harness or quarter horse races in the central or southern zone offered to satellite wagering facilities located at fairs in the northern zone to provide that satellite wagering facilities at fairs are not required to accept more than 5 night racing programs per week

The bill would revise provisions governing repayment of bonds issued for specified improvements at fair racetrack inclosures or satellite wagering facilities at fairs.

The bill would authorize specified associations and fairs operating satellite wagering facilities to deduct 0 33 of 1% for payment to either the city or county, at the option of the association or fair.

The bill would make corrective changes.

(3) The bill would declare that it is to take effect immediately as an urgency statute, but would become operative only if SB 14 is enacted and takes effect on or before January 1, 1988.

Ch 1275 (AB 1298) Mojonnier. Horseracing: 22nd District Agricultural Association

(1) The Horse Racing Law defines a racing week, with specified exceptions, as having a minimum of 5 racing days.

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

This bill would authorize the California Horse Racing Board to allocate racing weeks consisting of fewer than 5 racing days to an association conducting specified meetings on the grounds of the 22nd District Agricultural Association if the association and the organization representing horsemen participating in the meeting agree to the allocation

(2) Existing law requires associations conducting specified fair meetings with an average daily handle of $650,000 or less to pay state license fees at specified rates and to distribute the amount remaining between commissions and purses at specified percentages

This bill would require an association conducting specified meetings with an average daily handle of $650,000 or less on the grounds of the 22nd District Agricultural Association to pay a lower state license fee and to distribute the amount remaining between commissions and purses as agreed to by the association conducting the meeting and the organization representing horsemen participating in the meeting

(3) This bill would incorporate additional changes in Section 19612 6 of the Business and Professions Code, proposed by SB 14, to be operative only if SB 14 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1276 (AB 805) Condit Horseracing: wagering: satellite wagering facility

(1) Under the Horse Racing Law, the California Horse Racing Board is authorized to permit any licensed association to accept wagers on races comprising the Breeders' Cup program and on feature races having a gross purse of $50,000 or more if specified conditions are met

This bill would also authorize the board to permit satellite wagering facilities to accept these wagers.

The bill would revise the requirements for distribution of funds to horsemen participating in the racing meeting with the Breeders' Cup program and feature races having a gross purse of $50,000 or more to require ½ of the purse money to be paid as purses to horsemen conducting the same breed of racing.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1277 (AB 63) Bane Crimes: civil rights.

Existing law, among other things, provides that all persons have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of race, color, religion, ancestry, or other specified reasons Existing law provides for certain civil remedies for aggrieved persons. Among other things, the Attorney General or any district attorney or city attorney or any person aggrieved by a pattern or practice of resistance to the full exercise of those rights is authorized to bring a civil action, as specified, requesting such preventive relief as he or she deems necessary, including injunctive relief, to ensure the full enjoyment of those rights

This bill would recast those provisions, as specified, to, among other things, exempt speech alone from supporting such a civil action, as specified, and would provide that any action for such preventive relief be filed in the superior court and if an injunction is granted, the order would be required to state that the violation of the order is a crime, as specified. The bill would provide for notice to law enforcement officials of any order, or extension, modification, or termination thereof, as specified The court would be authorized to award the petitioner reasonable attorney fees The bill in requiring the clerk of the court to notify law enforcement officials of any order, or extension, modification, or termination thereof, and in imposing new duties upon local law enforcement agencies, would impose state-mandated local programs. It would also make a violation of those provisions, as specified, a misdemeanor, thus imposing a state-mandated local program by creating a new crime

The bill would also provide that no person shall by force or threat of force injure, intimidate, or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege, as specified, or knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating

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

or interfering with the free exercise or enjoyment of any right or privilege, as specified, based upon the other person's race, color, religion, ancestry, national origin, or sexual orientation. Speech alone, as specified, would be exempted from certain provisions of that prohibition. A violation of the foregoing would constitute a misdemeanor; however, the bill would provide that any other crime which is not made punishable by imprisonment in a state prison may constitute a felony if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that person's free exercise or enjoyment of any right, as specified, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation under specified circumstances. This bill would create new crimes and thereby impose a state-mandated local program.

With specified exceptions, existing law provides that a prior felony or attempted felony based on a victim's race, color, religion, nationality, or country of origin is a circumstance in aggravation of the crime for purposes of sentencing.

The bill would also add "ancestry" and "sexual orientation" to those stated factors which constitute a circumstance in aggravation of a felony for purposes of imposing a sentence, 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 specified reasons, except as specified.

Ch. 1278 (AB 616) Harris. Eminent domain.

(1) Existing law provides, for an eminent domain or inverse condemnation proceeding in which the value of property is to be ascertained, that evidence of the price or terms of an acquisition of property not appropriated to a public use, if the acquisition was for a public use for which the property could have been condemned, is not admissible as evidence and may not be the basis of an opinion as to the value of property.

This bill would instead provide that evidence of the price or terms of an acquisition of property for a public use for which the property could have been condemned is not admissible as evidence and may not be the basis for an opinion as to the value of property, except that the price or terms of an acquisition of property appropriated to a public use shall not be excluded if the acquisition was for the same public use for which it could have been taken by eminent domain

(2) Under existing law, whenever a political subdivision proposes to acquire any property of a public utility, it may file with the Public Utilities Commission a petition for the commission to determine the just compensation for the property. The commission is required to make an order to show cause upon the filing of this petition. Existing law authorizes a political subdivision to file a petition of the first class, if the political subdivision intends to acquire this property under eminent domain, or a petition of the second class, if the political subdivision intends to initiate proceedings to submit a proposition to the voters to acquire this property under eminent domain proceedings.

This bill would, with respect to water corporations and water companies only, authorize the public utility, or the owners of more than ½ interest in the public utility, to present the commission, in response to the order, in response to a petition of the first class with a certified copy of a filed motion to the superior court where the utility property is located to take jurisdiction and would require the commission to dismiss the proceeding when presented with the motion. The bill would require the superior court to take jurisdiction of the matter and would authorize the political subdivision to file an action in eminent domain pursuant to specified provisions.

The bill would specify the procedures to be followed in response to the order to show cause in response to a petition of the second class and would prohibit the commission and the court from awarding any litigation expenses incurred prior to the commission's dismissal or suspension. The bill would also specify the date of valuation of the property and would limit the liability of the political subdivision concerning payment of the reasonable expenditures of the owner.

The bill would make a statement of legislative intent.

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

Ch. 1279 (AB 802) Killea. Transit. San Diego County.

(1) Under the Mills-Deddeh Transit Development Act, the San Diego Metropolitan Transit Development Board is created with specified duties and powers.

This bill would delete obsolete language and make a clarifying change in provisions relating to the board.

(2) Existing law assigns to the board responsibility for transportation planning and for the construction and operation of public transit systems and related transportation facilities and services in portions of San Diego County.

This bill would authorize the board to contract with the county and with cities in its area of jurisdiction to license or to regulate by ordinance any transportation services rendered within the unincorporated area of the county or within the limits of a contracting city, and would require the board to levy fees to recover the cost of licensing and regulating those services.

Ch. 1280 (AB 2057) Tanner. Warranties· new motor vehicles

(1) Existing law imposes various duties upon manufacturers making express warranties with respect to consumer goods, including the duty to replace the goods or reimburse the buyer, as specified, if the goods are not repaired to conform to those warranties after a reasonable number of attempts Existing law also prohibits a buyer of such goods from asserting a presumption that a reasonable number of attempts have been made to conform a new motor vehicle, as specified, unless the buyer first resorts to a third party dispute resolution process, as defined, following notice that such a process is available.

This bill would revise the provisions relating to warranties on new motor vehicles to require the manufacturer or its representative to replace the vehicle or make restitution, as specified, if unable to conform the vehicle to the applicable express warranties after a reasonable number of attempts. The bill would, on July 1, 1988, revise the definitions of "motor vehicle," "new motor vehicle," and "qualified third-party dispute resolution process" and define the term "demonstrator" for these purposes, and require the Bureau of Automotive Repair to establish a program for the certification of third-party dispute resolution processes pursuant to regulations adopted by the New Motor Vehicle Board, as specified. The bill would prohibit the sale or lease of a motor vehicle transferred by a buyer or a lessee to a manufacturer for a nonconformity, as defined, except as specified The bill would also make related changes.

The bill would, on July 1, 1988, create the Certification Account within the Automotive Repair Fund, to be funded by fees imposed on manufacturers and distributors pursuant to the bill and collected by the New Motor Vehicle Board, as specified, to be expended upon appropriation by the Legislature to pay the expenses of the bureau under the bill.

(2) Existing law authorizes the award of court costs and attorney's fees to a consumer who prevails in a warranty action

This bill would require the award of court costs and attorney's fees to consumers who prevail in such actions, and would also authorize the award of civil penalties, as specified, against certain manufacturers Existing law provides for the disposition of moneys in the Retail Sales Tax Fund.

This bill would provide for reimbursement from the Retail Sales Tax Fund to a manufacturer of a new motor vehicle for an amount equal to the sales tax involved when the manufacturer makes restitution to a buyer under the bill, thereby making an appropriation.

(3) The bill would appropriate $25,334 from the Motor Vehicle Account in the State Transportation Fund to the New Motor Vehicle Board for reimbursement to the Department of Motor Vehicles for expenses incurred in carrying out provisions of the act, and would provide for the repayment of that amount, as specified.

(4) This bill would incorporate additional changes in Section 7102 of the Revenue and Taxation Code, proposed by AB 276, to be operative only if AB 276 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch. 1281 (SB 512) Ellis. On-premises advertising displays.

Under existing law, with specified exceptions, no on-premises advertising displays, as defined, may be compelled to be removed or abated by any city or county ordinance

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

or regulation without the payment of fair and just compensation.

This bill would define an illegal advertising display and an abandoned advertising display, would require any city or county adopting, modifying, or amending any ordinance or regulation after January 1, 1988, relating to on-premises advertising displays to include provisions for inventory and identification of illegal advertising displays or abandoned advertising displays, and would authorize the city or county to impose reasonable fees on owners or lessees of on-premises advertising displays for the actual costs of the inventory and identification. The bill would not apply to a new ordinance or amendment limited to regulation of new on-premises advertising displays, as defined.

The bill would impose a state-mandated local program by requiring a city or county to commence abatement of identified preexisting illegal and abandoned on-premises advertising displays within 60 days after the 6-month inventory and identification period.

The bill would prohibit a city or county from denying, refusing to issue, or conditioning a business license or permit to construct an on-premises advertising display upon the removal or abatement of another display if specified conditions apply, or on the modification or alteration of a nonconforming display if other specified conditions apply.

The bill would authorize a city or county to adopt an enforcement ordinance for the abatement of all illegal on-premises advertising displays located within its jurisdiction in accordance with specified procedures and requirements.

The California Constitution requires 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. 1282 (SB 331) Presley. Correctional treatment center.

(1) Under existing law, the State Department of Health Services is required to license health facilities, as defined.

This bill would create a category of health facilities, to be known as correctional treatment centers, which would be operated by the Department of Corrections, the Department of the Youth Authority, or a county, city, or city and county law enforcement agency which, as determined by the state department, provides outpatient health services, in addition to inpatient health services, to that portion of the inmate population who do not require a general acute care level of basic services. Certain facilities would be exempted from inclusion within the definition of a correctional treatment center.

The bill would require that certain services be provided by treatment centers, and would permit other specified services to be provided, as well as allow the department to permit other services to be provided by the department. It would require that licensed inpatient beds in a correctional treatment center be used only for the purpose of providing health services.

The bill would require the department, in conjunction with the Office of Statewide Health Planning and Development, and in consultation with the Department of Corrections, the Department of the Youth Authority, and the State Department of Mental Health, to develop and adopt licensure regulations, as specified.

(2) Under the Hospital Seismic Safety Act of 1982, the Office of Statewide Health Planning and Development is required, among other things, to approve construction plans for hospital buildings, including reconstruction or alteration of these buildings.

This bill would include a correctional treatment center, the construction of which was completed on or after March 7, 1973, as a hospital building for purposes of the Hospital Seismic Safety Act of 1982.

The bill would specify that the provisions relating to correctional treatment centers would be operative only until January 1, 1993.

(3) The bill would require the Department of Corrections and the Department of the Youth Authority to jointly study, in consultation with the Board of Registered Nurses, the Board of Vocational Nurses and Psychiatric Technician Examiners, the State Department of Health Services, professional associations representing registered nurses, medical technical assistants, licensed vocational nurses, and emergency medical technicians,

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

and the Emergency Medical Services Authority, the difficulties in recruitment and retention of medical technical assistants and registered nurses.

The study would be required to be completed on or before January 1, 1989.

(4) The bill would appropriate $136,000 to the State Department of Health Services for carrying out its duties under the bill.

(5) Since the bill will impose new duties upon local agencies operating facilities meeting the definition of a correctional treatment center, it would impose a state-mandated local program.

Since a violation of health facility licensing and other regulatory provisions is a misdemeanor, this bill would impose additional duties upon local law enforcement agencies, thus constituting 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 or mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs 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) The bill would incorporate additional amendments to Section 1250 of the Health and Safety Code proposed by SB 309, to be operative only if SB 309 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last

Ch 1283 (AB 974) Filante. University of California· coronary heart disease research [26]

Pursuant to existing law, various duties and responsibilities regarding higher education in California have been imposed upon the University of California, including that of research.

This bill would appropriate $500,000 from the General Fund to the Regents of the University of California for the purpose of conducting research relating to the effect of lifestyle changes on coronary heart disease

This bill would make legislative findings and declarations regarding coronary heart disease and a study being conducted at the Preventive Medicine Research Institute of the School of Medicine, University of California, San Francisco and at Pacific Presbyterian Medical Center, and would find that funds are needed to complete this research.

Ch 1284 (AB 75) N. Waters. Pest control: pesticides.

(1) Existing law, until January 1, 1988, governs the procedure by which a person or local governmental agency within a pest eradication treatment area may bring a legal action challenging the Director of Food and Agriculture's decision to conduct a pest control or eradication project in that area.

This bill would extend the January 1, 1988, termination date for these provisions to January 1, 1991, and would delete pest control projects from the projects included in these provisions. The bill would also delete the procedure specified to challenge the director's decision in a control project or an eradication project through different specified writs to review administrative decisions, leaving a general reference to mandamus to challenge the director's decision.

(2) Existing law, until January 1, 1988, limits usage of a restricted material to those situations in which it is reasonably certain, as specified, that no injury will result or no nonrestricted material or procedure is equally effective and practical. After January 1, 1988, the limitation on usage will still exist, but the phrase "reasonably certain" will not be specified by statute.

This bill would extend the January 1, 1988, termination date for these provisions to January 1, 1991, thus leaving the specification of "reasonably certain" in statute.

(3) Existing law, until January 1, 1988, applies the Secretary of Resource's certification

---

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

of the pesticide regulatory program of the Department of Food and Agriculture to the use of pesticides by any state agency acting under the authority of the Food and Agricultural Code in eradicating a plant or animal pest. This certification exempts these activities from the requirements of an environmental impact report.

This bill would extend the January 1, 1988, termination date for these provisions and related provisions regarding a statement of legislative intent to January 1, 1991.

Ch. 1285 (AB 543) Ferguson. Flood control: Santa Ana River.

(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 project for flood control on the Santa Ana River Mainstem in accordance with specified congressional action at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon recommendation of the Department of Water Resources.

The bill would impose a state-mandated local program by requiring the Orange County Flood Control District, the Riverside County Flood Control and Water Conservation District, and the San Bernardino County Flood Control District to give assurances to the Secretary of the Army of local cooperation and to execute plans for the project in cooperation with the Department of the Army.

(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. 1286 (AB 650) Costa. Public finances: counties and cities and counties.

(1) Existing law provides that the Rural Economic Development Infrastructure Program, administered by a Rural Economic Development Infrastructure Panel, shall encourage the revitalization of economically depressed rural areas by, among other things, awarding loans and grants for economic development projects

Existing law requires the Treasurer to make investment of moneys in the Rural Economic Development Fund, a continuously appropriated fund in the State Treasury, and provides that the interest earnings in excess of $300,000 per fiscal year shall be available for expenditure by the Department of Commerce pursuant to stated provisions.

This bill would provide that those expenditures shall include the costs of providing ongoing legal counsel to the Infrastructure Review Panel and reimbursement of designated panel members' business expenses. It would permit the interest earnings to be used by the department for administrative support and local assistance costs.

Existing law authorizes the panel to make loans and grants to local agencies for the purposes of assisting in financing public improvements, as specified

This bill would require that preliminary design work, including a cost estimate for the project, be completed before a loan or grant is awarded. It would permit reimbursement of costs for preliminary design work, among other matters, subject to approval by the panel

This bill would provide that the provisions of the California Environmental Quality Act shall not apply to any activity incidental to project funding or authorization for expenditure of funds for a project by the panel.

(2) This bill would require the Director of Finance on or before October 31, 1988, and each year thereafter to make certain calculations concerning each county's costs for eligible programs, as defined, and each county's general purpose revenues, as defined, for the 1980–81 fiscal year and each fiscal year thereafter commencing with the 1986–87 fiscal year It would require similar calculations by the Director of Finance for each county's costs of justice programs, as defined. It would require the Controller on or before November 30, 1988, and each year thereafter, subject to amounts appropriated, to issue warrants for each eligible county pursuant to these calculations.

(3) The Budget Act of 1986 appropriated funds to reimburse local agencies for certain state mandated local programs related to workers' compensation

---

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

This bill would specify that the undisbursed balances of the appropriations made by the Budget Act of 1986 for those described programs shall, on the effective date of this bill, revert to the unappropriated surplus of the General Fund.

(4) Section 32.50 of the 1987 Budget Act, (Chapter 135 of the Statutes of 1987), contains an appropriation of $88,870,000 for payment to local jurisdictions, and as passed by the Legislature, contained a formula for the distribution of amounts remaining after the distribution of discretionary block grants, which formula was vetoed by the Governor.

This bill would repeal Section 32.50 of the 1987 Budget Act.

This bill would appropriate $66,793,488 from the General Fund and $16,113,475, from the Special Account for Capital Outlay in the General Fund for payment to certain counties and cities and counties, as specified. This bill would also appropriate $22,075,512 from the General Fund and $5,326,808, from the Special Account for Capital Outlay in the General Fund for payment to counties and cities and counties, as specified. This bill would additionally appropriate $8,000,000 from the Special Account for Capital Outlay in the General Fund to the Rural Economic Development Fund for allocation to the Rural Economic Development Infrastructure Program.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1287 (AB 816) Vasconcellos. AIDS.

Existing law creates the AIDS Vaccine Research and Development Grant Program, which permits the State Department of Health Services to make grants for AIDS vaccine research under specified conditions.

Existing law creates an AIDS Vaccine Research and Development Advisory Committee composed of 5 members, as specified, which may make recommendations to the department respecting the award of the research and development grants, as specified.

This bill would increase the membership of this committee to 7 members, with the new members to be appointed by the Director of Health Services. One of the new members would be required to be a person with significant experience in conducting or reviewing clinical trials of drugs, and the other would be required to be a physician or surgeon with significant experience in treating AIDS patients.

Under existing law, a drug may not be sold, delivered, or given away, unless approval has been given pursuant to specified federal provisions or the State Department of Health Services has given approval for its use after finding that specified conditions are met.

Existing law does, however, permit the department to exempt drugs from these approval requirements if used solely for investigational purposes, by experts qualified by scientific training and experience to investigate the safety and effectiveness under specified circumstances.

This bill would require the department, in making determinations on requests for marketing approval of the use of AIDS-related drugs, as defined, or for exemptions, for investigative purposes, from the approval requirements, to employ persons to review these requests. It would also require the department, where necessary, to contract with appropriate and qualified persons or entities to review these requests.

It would require the AIDS Vaccine Research and Development Advisory Committee to review, and advise the department on, these requests.

The bill would require the department, not later than July 1, 1988, and annually thereafter, to report to the Legislature on implementation of these AIDS-related drug review requirements.

Ch 1288 (AB 844) Costa Water conservation: groundwater recharge.

Under the Water Conservation and Water Quality Bond Law of 1986, loans may be made to local agencies upon approval of the Legislature to aid in the acquisition and construction of water conservation programs and groundwater recharge facilities.

This bill would authorize loans to specified local agencies by the Department of Water Resources in accordance with the bond law for purposes of financing proposed water conservation, irrigation drainage, and groundwater recharge projects and feasibility studies, thereby making an appropriation.

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

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1289 (AB 1687) Moore Insurance hearings

Existing law provides for establishing rates for various insurance coverage in accordance with designated requirements and standards. Existing law vests with the Insurance Commissioner the powers and duties to hold hearings to determine if those provisions or commissioner's orders adopted pursuant thereto have been violated and provides for criminal and monetary penalties.

This bill would recast those provisions by requiring rather than permitting the commissioner to hold public hearings in certain circumstances, requiring the commissioner to review and investigate requests for a review of rates, rating plans or systems, or underwriting rules, by an aggrieved person, as specified, and to require rather than permit the commissioner to suspend or revoke the license of any rating organization or the certificate of authority of any insurer which fails to comply with the commissioner's orders, as specifed, and would increase the monetary penalties for noncompliance with those rate making provisions and the orders adopted pursuant thereto The bill would also provide for the conciliation of complaints, as specified.

The commissioner would be required to report to the Legislature concerning specified complaint information

Ch. 1290 (AB 1784) Killea Insurance: reports

Under existing law, every insurer doing business in this state is required to report, on a calendar year basis, specified information with regard to each class of insurance designated by the commissioner, as specified.

This bill would direct the Commissioner of Insurance to develop a form, as specified, that insurers engaged in writing director and officer liability insurance coverage for nonprofit public benefit corporations in this state would be required to submit to the commissioner each December 31 The bill would also require the commissioner to develop a comprehensive summary of the information submitted and transmit the summary to the Legislature within 120 days of the last day of the preceding reporting period.

The above provisions would remain in effect only until January 1, 1991, unless extended, as specified

Under existing law, the Insurance Commissioner has certain powers and responsibilities dealing with insurance matters.

This bill would require the commissioner to prepare and submit to the Legislature a report, as prescribed, on the effectiveness of his or her monitoring and regulation of the financial condition of insurers and on alternative methodologies for more effective monitoring and regulation The commissioner would also be required to identify additional resources required for the monitoring and regulation of insurers.

Ch 1291 (AB 1803) Clute School employees. reporting controlled substance abuse by students: immunity from liability.

Existing law does not expressly authorize a principal or person designated by the principal to report known or suspected instances of alcohol or controlled substance abuse by a student to the parent or parents, or other person having legal custody, of the student.

This bill would specifically authorize the principal or person designated by him or her to report a known or suspected instance of alcohol or controlled substance abuse by a student to the parent or parents, or other person having legal custody, of the student. This bill would provide that any principal or person designated by the principal reporting a known or suspected instance of alcohol or controlled substance abuse is not liable as a result of any authorized report unless a false report was made and the person knew it was false or was made with reckless disregard of the truth or falsity of the report This bill would impose liability for any damages caused by any principal or his or her designee who makes a report known to be false or with reckless disregard of the truth or falsity of the report.

This bill would specify that no principal or person designated by a principal shall

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

report known or suspected instances of alcohol or controlled substance abuse by the student to the parent or parents, or other person having legal custody, of the student if this report would require the disclosure of confidential information in violation of specified provisions of existing law.

Ch. 1292 (AB 1893) Bronzan. Sanger Waste Disposal and Cogeneration Plant.

Under existing law, a private energy producer, as defined, may apply to the Public Utilities Commission for authorization to sell electricity generated by the private energy producer to an electrical corporation pursuant to equitable charges established by the commission.

This bill would make a statement of legislative intent concerning the purchase of electrical capacity or electricity from the Sanger Waste Disposal and Cogeneration Plant The bill would also make a legislative finding that the bill is not a special statute within the meaning of the California Constitution, for specified reasons.

The bill would authorize the commission, if it finds and determines the application of the Sanger project to be in the public interest, to require an electrical corporation to make that purchase pursuant to equitable charges based on the corporation's avoided costs, as defined, and under specified circumstances

Ch. 1293 (AB 2384) Agnos. Food stamps

Existing law requires the Director of Social Services to establish methods for county conduct, to the extent required by federal law, for food stamp issuance in all counties, and to achieve the most efficient system for administration of the Food Stamp Program.

This bill would require the State Department of Social Services to develop written informational materials that contain guidelines for expedited food stamp service, and would impose a state-mandated local program by requiring each county welfare department to make the materials available, to screen applications for expedited service, and to assist food stamp applicants in the application process.

The bill would specify that the State Department of Social Services shall not require any additional requirements for verification of eligibility for expedited service other than those minimum requirements that exist under federal law.

Existing law requires the State Department of Social Services to provide to the Legislature and the public, upon request, copies of all reports submitted to the federal government pursuant to the Food Stamp Program.

This bill would instead require the department to collect certain data on the application and the issuance of food stamps, publish these statistics quarterly and report to the Legislature after the 1st year of data gathering. The bill would also require the department to report to the Legislature on overissuances and underissuances of food stamps due to the expedited food stamp and liability process

The bill would require the department to consult with the County Welfare Directors Association when developing budget estimates on administrative funds necessary to carry out the 3-day expedited service and the method of allocating the funds.

Provisions of the bill, except those requiring the department to adopt energy regulations and local reimbursement provisions, would become operative July 1, 1988, remain operative until July 1, 1991, and on January 1, 1992, would be repealed.

The bill would require the director to adopt emergency regulations to implement 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

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

Ch. 1294 (AB 2671) Clute. Controlled substances.

Existing law authorizes the Controller, in accordance with criteria and procedures adopted by the Department of Justice, to reimburse counties with a population under 1,250,000 for costs of prosecuting violations, attempts to violate, or conspiracies to violate designated controlled substances offenses, for certain law enforcement personnel expenses, and costs incurred by, or at the direction of, state or local law enforcement agencies to remove and dispose of or store toxic waste from the sites of laboratories used to unlawfully manufacture a controlled substance.

This bill would provide that the term "counties," as used in these provisions, includes any city within a county with a population of less than 1,250,000.

This bill would authorize the Department of Justice to adopt emergency regulations consistent with these provisions and the Administrative Procedure Act.

This bill would incorporate changes in Section 11642 of the Health and Safety Code proposed by AB 2503 to be operative on the effective date of AB 2503 and only if both bills are enacted and this bill is enacted last.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1295 (AB 2503) Killea. Illegal drug laboratories. [27]

(1) Existing law requires any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state, or who receives from a source outside of the state, specified substances which may be used in the unlawful manufacture of controlled substances, to report the transaction to the Department of Justice not less than 21 days prior to the delivery of the substance. Under existing law, it is a misdemeanor punishable by a prescribed term of imprisonment or by a fine not exceeding $5,000, or both, for a person to violate the reporting requirements. Existing law makes it either a misdemeanor or a felony punishable by a prescribed term of imprisonment or by a fine not exceeding $100,000, or both, for a person who has been previously convicted of violating the reporting requirements and who subsequently is convicted of violating those requirements.

This bill would provide that in addition to the above-mentioned fine or imprisonment, a drug cleanup fine shall be imposed in the amount of $10,000 for failure to report the transaction as specified above. The bill would, in addition, impose a $100,000 drug cleanup fine for a subsequent conviction of this reporting requirement.

Under existing law, any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state, or who receives from a source outside of the state, specified substances which may be used in the unlawful manufacture of controlled substances, is required to obtain a permit for the conduct of that business from the Department of Justice. Under existing law, it is a misdemeanor or a felony for a person to violate this permit requirement.

This bill would impose a drug cleanup fine in the amount of $10,000 in addition to any other fine or imprisonment for a violation of this permit requirement.

The bill would require that, at least once a month, all fines collected under this provision be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, which would be created by this bill. To the extent that county government would be required to transfer funds to the State Treasury, the bill would constitute a state-mandated local program.

(2) Existing law requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances. Under existing law, the Controller, pursuant to criteria and procedures adopted by the department, is authorized, to the extent of available funding, to (a) reimburse certain counties, as prescribed, for costs of prosecuting specified controlled substance offenses, (b) reimburse certain counties, as prescribed, for law enforcement personnel costs incurred in investigating specified controlled substance offenses, and (c) reimburse certain counties, as prescribed, for costs incurred in removing and disposing of or storing toxic wastes from the site of such a laboratory.

This bill would, with respect to the seizure of a laboratory used for the unlawful manufacture of a controlled substance, require the local law enforcement agency or the

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

Department of Justice to notify the local health officer who shall either undertake immediate corrective action, if necessary, or notify the State Department of Health Services To the extent that the bill would increase the level of services required of local government, it would create a state-mandated local program.

(3) Existing law provides for a continuously appropriated reserve account for emergencies whereby the State Department of Health Services may expend these funds for specified emergencies

This bill would appropriate $500,000 to the State Department of Health Services to be deposited in the Clandestine Drug Lab Clean-up Account, which is established by the bill, for purposes of funding the costs incurred in the undertaking of immediate corrective actions at the site of a release of a hazardous substance if the site is either· (a) the location of a seized laboratory used for the unlawful manufacture of a controlled substance, or (b) an abandoned hazardous waste site related to the unlawful manufacture of a controlled substance.

This bill would incorporate changes in Section 11642 of the Health and Safety Code proposed by AB 2671 to be operative only if both bills are enacted and this bill is enacted 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch. 1296 (AB 2016) Hayden. Higher Education Talent Development. [28]

Under existing law, the California Postsecondary Education Commission is vested with various duties and responsibilities regarding higher education.

This bill would require the commission to develop, implement, and oversee a performance-funding program which would allocate an unspecified percentage of state funds to public institutions of higher education based upon specified performance criteria.

This bill would require that the California Postsecondary Education Commission report to the Governor and the Legislature by January 1, 1989, as specified.

This bill would appropriate $20,000 to the California Postsecondary Education Commission for the purposes of the bill as it relates to the California Community Colleges and the California State University. This bill would also direct the commission to fund the purposes of the bill relative to the University of California from funds available to it for that purpose from the Budget Act of 1987.

Ch. 1297 (AB 686) Tucker. Hemodialysis technicians and facilities. [29]

Existing law requires the State Department of Health Services to prescribe minimum training standards and a state-approved test for hemodialysis technicians. It also authorizes hemodialysis technicians to perform venipuncture and arterial puncture for purposes of providing hemodialysis treatment for a patient and to administer specified medications. Existing law requires each hemodialysis clinic or unit to adopt and administer a training program and competency test for hemodialysis technicians.

This bill would recast existing provisions governing hemodialysis technicians It would provide, among other things, that, rather than conduct a training program and competency test, a hemodialysis clinic or unit may employ hemodialysis technicians who meet specified requirements. The bill would also provide that a clinic or unit may do both.

This bill would prohibit chronic dialysis services from being provided unless they are provided under the direction of either a general acute care hospital or chronic dialysis clinic.

This bill would appropriate $8,266 from the General Fund to the department for the implementation of the bill's provisions.

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

Ch. 1298 (SB 40) Marks Gill and trammel nets

(1) Existing law prohibits the use of gill or trammel nets, among other prohibitions, from May 1 to September 30 in specified waters between Marin County and San Mateo County in Districts 10, 17, and 18, except by 5 persons fishing under experimental gear permits, and prohibits the use of gill or trammel nets with designated mesh sizes in specified portions of District 10.

This bill would delete the provisions for special permits to use set gill or trammel nets in Districts 10, 17, and 18 and would prohibit, with specified exceptions, the use of set or drift gill or trammel nets north of Point Reyes and in waters 40 fathoms or less in depth from Point Reyes to Duxbury buoy in Marin County. The bill would also prohibit use of those nets in waters 20 fathoms or less in depth, as specified, from Duxbury buoy in Marin County to Franklin Point in San Mateo County and within 5 nautical miles of Point San Pedro from April 1, 1987, to March 31, 1988, and, thereafter, in waters 40 fathoms or less in depth from Point Reyes to Waddell Creek in Santa Cruz County. The bill would also add 5 gear permits to be issued to affected fishermen for specified gear use. The bill would impose a state-mandated local program by changing the definition of a crime.

The bill would also prohibit the use of gill or trammel nets within 3 miles of the Farallon Islands and Noonday Rock buoy in District 10 and permit the director to order the prohibition to extend up to 5 miles under specified conditions.

The bill would create an advisory committee to advise the Department of Fish and Game until January 1, 1991, relating to gear permits and would make other conforming changes.

The bill would authorize affected fishermen to transfer their 1987–88 general gill and trammel net permits, notwithstanding the prohibition on that transfer, for specified purposes.

The bill would authorize specified special permittees and specified persons who appeal denial of a special permit to apply for low-interest loans under the bill, bearing interest of not less than 6 percent per annum with a term of not more than 7 years, for specified purposes.

(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 not more than $200,000, of which not more than $100,000 would be reappropriated from amounts unencumbered on April 1, 1988, from the loan program enacted by Chapter 910 of the Statutes of 1986, for both programs as specified, to the California Coastal Conservancy to make low-interest loans, as specified, and of which $100,000 would be appropriated to the department from the California Environmental License Plate Fund to be used for specified assessment and monitoring activities.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1299 (SB 115) Presley. Public agencies: funding.

(1) Existing law authorizes any board of law library trustees in a county having a population in excess of 2,000,000 to borrow money, under specified terms, to erect a library building to house the law library.

This bill would extend this authority to apply to boards of law library trustees in all counties of this state.

(2) Existing law authorizes the State Allocation Board to make available to the Director of General Services up to $15,000,000 annually, from any funds available to the board, for the purchase of portable classrooms.

This bill would increase that amount to $35,000,000, which would constitute an appropriation to the extent it authorizes any existing appropriation to be expended for a new purpose. This bill would also require that any funds to be allocated for the purchase of portable classrooms for use in any school year be made available by the board no later than the 15th day of January immediately preceding that school year.

(3) Existing law authorizes the governing board of any school district maintaining a

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

voluntary integration program, or a court-mandated desegregation program, to file a claim for reimbursement of the costs of those programs, as specified.

Notwithstanding any other provision of law, this bill would authorize the Controller to reimburse a claim of the Riverside Unified School District for certain costs incurred during the 1983–84 fiscal year under its voluntary integration program. This reimbursement would be made from funds appropriated in a specified item of the Budget Act of 1987 in an amount not to exceed the lesser of costs approved by the Controller or $110,186.

Ch. 1300 (SB 121) Maddy. Sales and use taxes: vending machines: food products.

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. It also provides that any vending machine operator is a consumer of, and shall not be considered a retailer of, food products which sell at retail for $0.15 or less and which are actually sold through a vending machine.

This bill would provide a partial exemption from those taxes for cold food products actually sold through a vending machine which sell at retail for more than $0.15. It would make that exemption amount equal to the following percentages of the gross receipts of the retailer from the retail sale of those food products. 23% for the year beginning January 1, 1988, and ending on December 31, 1988, 45% for the year beginning January 1, 1989, and ending on December 31, 1989; and 67% for the year beginning on January 1, 1990, and thereafter. In addition, this bill would provide that any vending machine operator is a consumer of, and shall not be considered a retailer of, specified food products which are sold through a coin-operated bulk vending machine, as defined, if the amount of each sale is 25¢ or 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, but its operative date would depend on its effective date

Ch. 1301 (SB 151) Presley. South Coast Air Quality Management District: organization and functions.

(1) The existing Lewis Air Quality Management Act prescribes the organization of the South Coast Air Quality Management District and the duties and functions of the south coast district board with respect to air pollution control in the South Coast Air Basin. Under the existing act, the south coast district board is composed of 14 appointed members of whom 11 are appointed by local governments, one by the Governor, one by the Senate Committee on Rules, and one by the Speaker of the Assembly.

This bill would revise the composition of the board to include 11 members appointed for 4-year terms, one appointed by the Governor, one by the Senate Committee on Rules, one by the Speaker of the Assembly, 4 by the boards of supervisors of the counties in the south coast district, and 4 by the cities in the south coast district, and would specify the qualifications which each appointee is required to meet. The bill would specify that 6 members constitute a quorum and that the board may act on the basis of a majority of the members of the board, except that if there are 2 or more vacancies on the board, 5 members would constitute a quorum until at least one of those vacancies is filled, and the 2 vacancies would not be counted in determining the majority required for the transaction of business.

(2) The existing act establishes the compensation of board members at $100 per day, not to exceed $500 per month, for attending meetings of the board or a committee of the board.

This bill would increase that maximum monthly compensation to $1,000.

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

(3) The existing act does not contain any conflict-of-interest prohibitions or postemployment restrictions regarding matters which involved service on the board or employment by the district.

This bill would prohibit any member of the board from knowingly or willfully violating any provision of the Political Reform Act of 1974. The bill would specify removal from office for any member knowingly violating these provisions

The bill would prohibit any member of the board or district employee or officer, for 24 months following separation from the district, from participating in any contract of the district in which he or she was involved, as specified, before separation from the district. The bill would prohibit, for 12 months following separation, a former member, employee, or officer from entering into any contract with the district involving any matter he or she participated in, as specified, prior to separation, unless the board, by a ⅔ vote, makes a specified finding and determination. The bill would also prohibit a former employee or officer previously holding a position designated in the district's conflict-of-interest code, or a former member of the board, who was, at any time, involved in any of specified matters involving a particular person, from representing that person in an appearance before the board or a hearing board or attempting to influence the board or hearing board on behalf of that person, as specified. These provisions would become operative on July 1, 1988 By making a violation of these provisions a misdemeanor, the bill would impose a state-mandated local program.

(4) The existing act requires the south coast district to adopt an air pollution control plan, and to adopt rules and regulations consistent with state and federal laws reflecting the best available technological and administrative practices.

This bill would impose a state-mandated local program by requiring the district's rules and regulations to require the use of the best available control technology, as defined, for new and modified sources, and the use of the best available retrofit control technology, as defined, for existing sources; promote the use of cleaner burning alternative fuels; and provide for indirect source controls, as specified, and transportation control measures, as listed in the plan The bill would also permit the board to adopt regulations requiring public and commercial operators of fleet vehicles, as defined, when adding or replacing vehicles in an existing fleet or forming a new fleet, to purchase vehicles which can operate on methanol or other clean burning alternative fuel, encouraging commuter ridesharing, and prohibiting or restricting the operation of heavy-duty trucks, other than haulers of solid waste, hazardous waste, a toxic substance, or alcoholic beverages, as specified, on freeways and high-volume highways during peak commuter travel periods

The bill would, after January 1, 1989, permit the board to adopt, subject to the state board's approval, regulations specifying the composition of diesel fuel manufactured for sale in the district and imposing requirements at least as stringent as those of the state board, after evaluating for safety

The bill would impose a state-mandated local program by requiring the district to report and forecast pollutant levels, as specified, using the Pollutant Standards Index developed by the Environmental Protection Agency

(5) The existing act requires the board to work with persons granted variances to reduce emissions from their operations.

This bill would require the district, rather than the board, to perform this function.

(6) The existing act permits any individual to petition the board to hold a public hearing on a permit application.

This bill would impose a state-mandated local program by requiring the board to provide for appeals to the hearing board of decisions on the issuance or renewal of permits. The bill would also provide that this provision would be repealed if AB 2595 is enacted and imposes similar requirements

(7) The bill would impose a state-mandated local program by requiring the district to prepare and submit to the Legislature and the state board, by September 1, 1988, a draft of rules and regulations for a system of emissions charges as an economic incentive system for reducing emissions and improving air quality in the South Coast Basin, including, but not limited to, specified considerations The bill would specify that this provision does not authorize the adoption of rules or regulations.

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

(8) This bill would make additional changes in Section 40462 of the Health and Safety Code to be operative only if this bill and AB 222 are both enacted and amend that section and this bill is chaptered after AB 222.

(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 for certain costs no reimbursement is required by this act for specified reasons.

Ch. 1302 (SB 245) Torres. Hazardous substances: liability.

Under existing law, the money in the Hazardous Substance Account and the Hazardous Substance Cleanup Fund 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. The Attorney General is required, upon the request of the department, to recover from the liable persons all costs incurred and payable from the fund and the account. Existing law provides that the standard of liability for the recovery of any of these costs is strict liability and prohibits the imposition of any new liability for acts that occurred on or before January 1, 1982, if the acts were not in violation of state or federal law

Existing law authorizes the Director of Health Services to order a responsible party to remove or remedy a hazardous substance release, upon making a specified determination, except that the director is prohibited from making an order to an owner of real property solely on the basis of that ownership. Existing law imposes punitive damages upon persons who fail to properly provide removal or remedial action pursuant to the order of the court or the director.

This bill would define "liable person" and "responsible party," for these purposes with reference to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which generally makes liable the owners and operators of hazardous substance facilities and the transporters and disposers of hazardous substances, except as specified. The bill would also limit the defenses for this liability to those defenses specified in the federal act, which shields from liability those persons who can establish that specified intervening actions or persons caused the release unless, among other things, the action occurred in connection with a contractual relationship, as defined.

The bill would specify that the director is prohibited from issuing an order to an owner of real property as specified in provisions of the federal act concerning defenses to liability, and would prohibit the imposition of punitive damages against an owner of real property who did not take specified actions, as specified in the same provisions of the federal act

The bill would authorize a person found liable for a hazardous substance release under the Carpenter-Presley-Tanner Hazardous Substances Account Act who meets specified criteria to seek contributions from any other liable person.

The bill would require that an owner of nonresidential real property who knows, or has reasonable cause to believe, that a release of hazardous substances is located on or beneath that real property, to notify any buyer of that property and would impose a civil penalty upon knowing and willful violators of this provision.

The bill would also impose a similar duty upon lessees or renters of real property to notify the property owner upon discovering the presence or suspected presence of the hazardous substance

Ch. 1303 (SB 262) Presley Penal law: corrections and offenses.

(1) Under existing law, a person who is specified or designated in a warrant of arrest for a misdemeanor offense must, generally, be physically taken before a magistrate without unnecessary delay.

This bill would allow a person who is specified or designated in a warrant of arrest for a misdemeanor offense to be released upon the issuance of a citation, in lieu of physical arrest, unless one of numerous specified conditions exist.

(2) Under existing law, when a bond has been forfeited and the court has declared

---

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

the forfeiture, the court is required to enter a summary judgment against each bondsman named in the bond in the amount for which the bondsman is bound. Existing law requires the district attorney or county civil legal adviser to, among other things, demand immediate payment of the judgment within 5 days after the summary judgment has become final.

The bill would require the demand for payment to be made within 30 days, rather than 5 days, after the summary judgment has become final.

(3) Existing law establishes a Prison Industry Authority to develop and operate industrial, agricultural, and service enterprises employing prisoners at institutions under the jurisdiction of the Department of Corrections, funded by the Prison Industries Revolving Fund, which is continuously appropriated.

This bill would authorize the board of supervisors of Contra Costa or Sonoma County, with the concurrence of the sheriff, or both county boards, to establish a Jail Industry Commission for that county, with purposes, powers, and duties with respect to the county jail comparable to those of the Prison Industry Authority, to be funded by a Jail Industry Fund in the county general fund, as specified. This bill would provide that no commission established nor any county jail industry program shall remain in existence for more than 2 years from the date of its establishment.

(4) Existing law requires a statement of costs of trials in connection with an escape or attempted escape of state prisoners to be sent by a county to the Controller for reimbursement of certain costs. Under existing law, any crime committed by an escaped prisoner within 10 days after the escape and within 100 miles of the facility from which the escape occurred shall be presumed, for purposes of reimbursement, to have been a crime committed in furtherance of an escape.

Existing law contains separate provisions under which a city or county is entitled to reimbursement for the following: reasonable and necessary costs connected with state prisons or prisoners relating to any crime at a prison, any crime committed by a prisoner; habeas corpus, any trial or hearing on the question of the sanity of a prisoner, extradition; a coroner's costs in connection with the death of a prisoner; and costs of transportation of a prisoner, or for security while a prisoner is outside a prison.

This bill would repeal and reenact, without major change, as part of the above provisions dealing with the reimbursement of a city or a county, the separate provision relating to the reimbursement of counties for their costs in connection with escapes of state prisoners from specified facilities It would specify that reimbursement for reasonable and necessary costs connected with state prisons under these combined provisions includes any crime committed by a prisoner in furtherance of an escape, which would include the presumption set forth above concerning a crime committed by an escaped prisoner within 10 days after the escape and within 100 miles of the particular facility The bill would also provide, for purposes of reimbursement, that a crime committed at a state prison includes crimes committed by a prisoner while detained or transferred to a local jail or correctional facility or community correctional center

(5) Existing law provides that when a detainer is lodged against a prisoner held by a penal or correctional institution under the jurisdiction of the Department of Corrections by a law enforcement or prosecutorial agency of the state or its subdivisions, the Department of Corrections may release the prisoner to the agency within 7 days prior to the scheduled release date or retain custody for up to 7 days after the scheduled release date to facilitate pickup by the agency lodging the detainer.

This bill would instead allow for the release or retention of the prisoner under the above circumstances within, or after, 5 days, or 5 court days if the agency lodging the detainer is more than 400 miles from the county in which the penal or correctional institution is located

This bill would also provide that if a defendant is retained in the custody of the Department of Corrections after the defendant's scheduled release date in order to facilitate pickup by a law enforcement agency, and the retention of the defendant is in response to the issuance of a warrant of arrest charging a particular offense and the defendant is released from custody following the statutory retention period without pickup by the agency lodging the detainer, a subsequent court order shall be issued

---

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

before the arrest of the defendant for the same offense This bill would specify that for purposes of this provision, detainer means warrant of arrest.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1304 (SB 308) 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.

Existing law also provides for a 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.

This bill would also establish a pilot project, to be administered by the office, to test the safety and cost effectiveness of performing cardiac catheterization in mobile heart catheterization laboratories, as defined. It would permit the office to approve up to 3 mobile 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, 1990

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, 1991. 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, except pursuant to the freestanding heart catheterization laboratory pilot project.

This bill would, in addition, permit cardiac catheterizations to be performed pursuant to the pilot project established by its provisions

Ch. 1305 (SB 338) Vuich Land conservation contracts cancellation fees

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) provide that a landowner of land subject to an enforceable contractual restriction under the act 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. The cancellation valuation is the property's full cash value as though it were free of the contractual restriction

This bill would provide that the cancellation valuation is the property's current fair market value as though it were free of the contractual restriction.

This bill would declare that its provisions are intended to concur in the interpretation of "full cash value," as used in Section 51283 of the Government Code, which is contained in a specified opinion of the Attorney General. This bill would declare that this interpretation is intended to apply only to those cancellation proceedings with respect to which the cancellation fee has not been paid prior to the bill's effective date. This bill would preclude the additional assessment of any cancellation fee and the refund of any portion of any cancellation fee collected in connection with any cancellation fee paid prior to the bill's effective date because of any increase or decrease in cancellation fees resulting from this bill's provisions.

Ch 1306 (SB 347) Rosenthal Cellular radio telephone service.

(1) Existing law does not require renters of motor vehicles to provide information when renting a motor vehicle with cellular radio telephone equipment.

This bill would require a renter to provide written operating instructions, as specified, on cellular radio telephone equipment to the person who rents a motor vehicle with that equipment. The bill would also require the equipment to be clearly labeled with safe

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

operating instructions.

The bill would impose a state-mandated local program since a violation of this provision, under existing provisions of law, is 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. 1307 (SB 476) Watson. Education of health professionals for underserved areas

Existing law makes no specific provision for assistance for students planning to practice as medical, dental, nursing, or other health professionals in professionally underserved areas of this state.

This bill would establish the Minority Health Professions Education Foundation and provide for the appointment of its board of directors. This bill would provide that members of the board of directors of the foundation shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in connection with their duties.

This bill would authorize the Minority Health Professions Education Foundation to solicit and receive private or public sector funds and recommend to the Director of the Office of Statewide Health Planning and Development the disbursement of these funds to students from underrepresented minority groups accepted to or enrolled in schools of medicine, dentistry, nursing, or other health professions in the form of loans or scholarships. This bill would authorize the foundation to recommend to the director standard contractual agreements to be signed by the director and the students. This bill would also require the foundation to make an annual financial report to the Office of Statewide Health Planning and Development.

This bill would create within the Office of Statewide Health Planning and Development the Minority Health Professions Education Fund to provide scholarships and loans, as specified, and to pay for the cost of administering the program and any other authorized purpose. This bill would specify that the expenditure of funds for administrative support of the program would be subject to review and approval annually through the state budget process. All money in the fund would be continuously appropriated to the office.

In addition, this bill would require the Office of Statewide Health Planning and Development, among other things, to provide technical and staff support to the foundation, provide financial management for the fund, enter into contractual agreements with students from underrepresented minority groups and institutions, as specified, contract with institutions, as specified, to increase the participation of students from underrepresented minority groups in the nursing profession, and disseminate information regarding the areas that are deficient in primary care services

This bill would appropriate $1,200,000 from the Health Facility Construction Loan Insurance Fund to the Office of Statewide Health Planning and Development for allocation, as specified. This bill would provide that these funds are to be appropriated without regard to fiscal years, except that it would require that funds unexpended or noncommitted revert to the Health Facility Construction Loan Insurance Fund on July 1, 1990

Ch. 1308 (SB 642) Garamendi Williamson Act: Department of Conservation

(1) Under the California Land Conservation Act of 1965 (the Williamson Act), the first $450,000 of deferred tax revenue paid to the Controller in each fiscal year is paid into the State Treasury to the credit of the Farmlands Mapping Account in the General Fund. These funds are available for appropriation to the Department of Conservation for specified purposes related to farmlands mapping and monitoring.

This bill would require the first $700,000 of deferred tax revenue to be paid to the Farmlands Mapping Account in the 1987–88 fiscal year for specified purposes. The bill would abolish the Farmlands Mapping Account on July 1, 1988, and create the Soil Conservation Fund, and would require the first $1,110,000 of Williamson Act deferred tax revenue of each fiscal year beginning with the 1988–89 fiscal year to be deposited

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

in the Soil Conservation Fund through the 1992–93 fiscal year, and the first $870,000 in each fiscal year thereafter, to be available, when appropriated, for the farmlands mapping and monitoring program, a specified soil conservation program, and until July 1, 1993, a specified soil survey program.

(2) Existing law requires the department to prepare, update, and maintain Farmland Series maps, as defined, and other soils and land capability information

This bill would require the department to provide financial assistance to the United States Soil Conservation Service to undertake soil surveys in areas of the state where the surveys have not been completed, as specified.

(3) Under existing law, the department is required to prepare, update, and maintain specified maps and other soils and land capability information and to prepare and maintain a map and data base system to record and report changes in the use of agricultural lands.

This bill would require the department to conduct specified studies on soil conservation and on resource conservation districts. The bill would require the department to report the results of the soil conservation study to the Legislature on or before December 1, 1988, and the results of the study on resource conservation districts on or before December 1, 1989. The bill would require the department to provide soil advisory services to local governments, landowners, farmers and ranchers, resource conservation districts, and the general public.

(4) Under existing law, the Director of Conservation is required to appoint the State Geologist in accordance with the State Civil Service Act and the State Geologist is required to be a registered geologist.

This bill would instead require the State Geologist to be registered within one year from the date of appointment as specified.

(5) The bill would incorporate changes to Section 51283 of the Government Code proposed by SB 338 which would become operative only if both bills are enacted and this bill is enacted last.

(6) The bill would appropriate $250,000 from the Farmlands Mapping Account, which was received by the Controller from Williamson Act cancellation fees, to the department for the studies and for the soil advisory services

Ch. 1309 (SB 694) Richardson. Health: water and water systems.

Existing law authorizes the State Department of Health Services, or the local health officer for a local system, to grant one or more variances from drinking water standards, treatment techniques, or requirements to a public water system, which, because of characteristics of the raw water sources which are reasonably available to the system, cannot meet the requirements respecting the maximum contaminant levels of the drinking water, despite application of the best technology, treatment techniques, or other means which the department finds are generally available, taking costs into consideration

This bill would require, in the absence of substantial community opposition, the department to permit the Big Bear City Community Services District and the Twenty-nine Palms Water District, upon request of the district, to exceed the Maximum Fluoride Contaminant Level contained in Title 22 of the California Administrative Code, but would restrict them to specified limits.

In addition, this bill would make several technical nonsubstantive changes in these provisions.

Ch. 1310 (SB 834) Presley. Child abuse and neglect: programs.

Existing law provides for various programs for the protection and welfare of children, and authorizes the State Department of Social Services to promulgate regulations for the implementation of child welfare programs

This bill would require the establishment of a Child Welfare Training Program by the State Department of Social Services, to develop and implement statewide coordinated training programs to meet the needs of county child protective service social workers assigned permanent placement and adoption responsibilities.

The bill would require the State Department of Social Services to provide, prior to

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

January 1, 1989, the Legislative Analyst and the Select Committee on Children and Youth with a list of counties participating in the program.

Existing law contains provisions for the encouragement of child abuse and neglect prevention and intervention through the funding of agencies addressing needs of high-risk children, with projects being funded through the State Department of Social Services; establishes procedures, criteria, and priorities for the selection of child abuse and neglect prevention and intervention programs which shall receive funding; and specifies that 3% of the funding shall be used for statewide training and technical assistance operated by private nonprofit agencies pursuant to contract with the Office of Child Abuse Prevention.

This bill would revise the percentage of the funding which shall be used for that statewide training and technical assistance and would require that specified percentage to be expended on statewide training and technical assistance operated by private nonprofit agencies pursuant to a grant from the Office of Child Abuse Prevention.

The bill would also state the intent of the Legislature that funding for the primary prevention progams shall be maintained at a level equal to the amount allocated in the Budget Act of 1987, at least until June 30, 1989, or until the State Department of Social Services completes the evaluation of that program, as required, whichever occurs later.

Ch. 1311 (SB 905) Ellis. Contractors' arbitration.

(1) Existing law provides for the enforcement of the Contractors' State License Law through, among other things, disciplinary proceedings and through arbitration and citation and civil penalties. The provisions relating to arbitration provide that they are to become operative on July 1, 1980, if funds are appropriated to the Department of Consumer Affairs to carry out those provisions.

This bill would delete the provision making the operation of arbitration provisions contingent on the appropriation of funds, and would appropriate $450,000 from the Contractors' License Fund to the Contractors' State License Board to carry out those provisions. The bill would recast and revise certain provisions relating to arbitration. It would expand the scope of type of complaints of violation of the Contractors' State License Law which may be resolved through arbitration procedure and specify that it would apply to complaints arising from contracts involving works of improvements, as defined. It would redefine "material damages," for those purposes, by increasing the maximum limit from $15,000 to $25,000 that the complainant suffered or is likely to suffer as a result of the violation of specified provisions in order for the arbitration provisions to apply.

(2) Under existing law, once the complainant and the licensee authorize the Registrar of Contractors to proceed with an administrative arbitrator, the registrar is required to refer the matter to the Office of Administrative Hearings for arbitration in accordance with the rules provided by the Judicial Council pursuant to designated provisions.

This bill would, instead, require the registrar to refer the matter to an arbitrator or an arbitration association approved by the Contractors' State License Board for arbitration in accordance with prescribed rules. The bill would provide for the rendering of an award by an arbitrator and for the enforcement of an arbitrator's award in accordance with designated provisions.

The bill would require the board to (a) develop and administer a training program for its employees involved in the arbitration process, (b) develop a brochure relating to the arbitration program, (c) contract with a consultant to assist with the program, and (d) establish and maintain a list of arbitrators and associations, as specified.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1312 (SB 990) McCorquodale. State Teachers' Retirement System: concurrent retirements.

A provision of the existing State Teachers' Retirement Law authorizes retirement by members who have attained age 55 and who retire concurrently under the Public Employees' Retirement System, the University of California Retirement System, or a local system.

This bill would make that provision also applicable to concurrent retirement under

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

the Legislators' Retirement System.

Ch. 1313 (SB 1284) Bergeson. Water pollution control: revolving fund.

Under existing law, various bond acts have been adopted to provide necessary funds to ensure the full participation by the state under the federal Clean Water Act in obtaining funds for the construction of treatment works.

This bill would create the State Water Pollution Control Revolving Fund and would continuously appropriate the moneys in the fund to the State Water Resources Control Board for expenditure, as specified. The bill would establish in the fund a Federal Revolving Loan Fund Account and a State Revolving Loan Fund Account to comply with the federal Tax Reform Act of 1986 The bill would specify the powers of the board in administering the fund, would authorize the board to enter into specified agreements with the federal government with respect to the fund, and would permit moneys in the fund to be used for specified purposes relating to the construction of treatment plants and related activities. The board would be authorized to enter into contracts or procure services or equipment, notwithstanding any other provision of law, to comply with requirements imposed by the federal Tax Reform Act of 1986, or the federal Clean Water Act, with respect to the fund.

The bill would make legislative findings and declarations.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1314 (SB 1298) Dills. Loans: credit, life, disability, and loss-of-income insurance.

Under existing law, industrial loan companies, personal property brokers, and consumer finance lenders are authorized, as prescribed, to provide credit life, disability, and loss-of-income insurance, in connection with loans made by them

This bill would permit, with respect to credit loss-of-income insurance, reduction of minimum benefits to ½ the number of payments during a prescribed period, and provide for benefits on that insurance in cases in which the former employer did not contribute to the State Unemployment Insurance Fund.

The bill would make various changes with respect to credit loss-of-income coverage under the Industrial Loan Law, Personal Property Brokers Law, and Consumer Finance Lenders Law. The bill would define and revise the definitions of various terms for purposes of those laws, and make conforming changes This bill would exempt from the Personal Property Brokers Law and Consumer Finance Lenders Law loans made by colleges or universities for purposes of pursuing programs or courses of study leading to degrees or certificates.

Ch 1315 (SB 1442) Doolittle PERS. certain survivors' continuance benefits: readjustment.

A provision of the Public Employees' Retirement Law provides that former state safety members who retired prior to April 1973 are eligible for the ¼ survivors' continuance benefit.

This bill would revise that provision to readjust that allowance for eligible survivors of those former state safety members who retired prior to April 1973 and who die prior to the effective date of this bill to reflect a ½ survivors' continuance benefit without any benefit reduction for Social Security benefit entitlements and the adjustment would be applied to any survivor receiving a continuance allowance on the effective date of this bill.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1316 (AB 1952) Filante. Health: AIDS

(1) Existing law creates the AIDS Vaccine Research and Development Grant Program, which permits the State Department of Health Services to make grants for AIDS vaccine research under specified conditions.

Existing law does, however, place certain limitations upon the making of grants after approval has been given by the federal Food and Drug Administration for the conducting of clinical tests on humans of an AIDS vaccine

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

This bill would specify that the department may award grants to applicants even after the federal Food and Drug Administration has given this approval.

(2) Existing law creates an AIDS Vaccine Research and Development Advisory Committee composed of 5 members, as specified, which may make recommendations to the department respecting the award of the research and development grants, as specified

Under existing law, a drug may not be sold, delivered, or given away, unless approval has been given pursuant to specified federal provisions or the State Department of Health Services has given approval for its use after finding that specified conditions are met

Existing law does, however, permit the department to exempt drugs from these approval requirements if used solely for investigational purposes, by experts qualified by scientific training and experience to investigate the safety and effectiveness under specified circumstances.

This bill would require the department, in making determinations on requests for marketing approval of the use of AIDS-related drugs, as defined, or for exemptions, for investigative purposes, from the approval requirements, to employ persons to review these requests It would also require the department to contract with appropriate and qualified persons or entities to review these requests, including the AIDS Vaccine Research and Development Advisory Committee or any member thereof.

The bill would require the department, not later than July 1, 1988, and annually thereafter, to report to the Legislature on implementation of these AIDS-related drug review requirements

(3) Existing law creates the AIDS Vaccine Research and Development Grant Fund, up to $4,000,000 of which has been appropriated to the department for purposes of the AIDS Vaccine Research and Development Grant Program

This bill would reappropriate $500,000 of the moneys appropriated to the department from this fund for purposes of implementing the AIDS-related drug review requirements, and for the employment of persons by the department for implementation of these requirements

(4) This bill would also express the intent of the Legislature that if a manufacturer or investigator receives approval from the department for investigation of an AIDS-related drug, the manufacturer or investigator may be eligible for grants under AB 563 and AB 603, if both of these bills are enacted during the 1987–88 Regular Session.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1317 (AB 853) Sher Hazardous substances underground storage tanks.

Existing law comprehensively regulates the storage of hazardous substances in underground storage tanks. Various regulatory and enforcement functions are assigned to cities, counties, regional water quality control boards, the State Water Resources Control Board, and the State Department of Health Services.

This bill would require the board, in cooperation with the department, to develop and implement a pilot program for local agencies to abate, and oversee the abatement of, releases of hazardous substances from underground storage tanks, and would authorize the board and regional boards to enter into agreements with local agencies selected by the board to perform cleanup, abatement, or other actions to remedy the effects of a release, consistent with procedures adopted by the board The bill would enact related provisions, providing immunity to the local agencies, requiring the department to make available to the board funds contained in the Budget Act of 1987 for these purposes, and the board or regional board to provide, pursuant to standard contracts developed by the department, funding to local agencies for specified costs incurred by the local agency, and requiring the board to adopt specified administrative and technical procedures for cleanup and abatement actions taken by local agencies pursuant to an agreement

The bill would require the agreement to contain specified provisions concerning the accounting and recovery of costs and would require the board to develop, and make available to the Legislature upon request, a data base for tracking expenditures

The bill would declare the intention of the Legislature concerning the funding for the implementation of these provisions.

The bill would make these provisions inoperative on July 1, 1988, and would repeal

---

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

them as of January 1, 1989.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1318 (AB 1551) Speier. Community colleges finances

Existing law authorizes the governing board of a community college district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults to include the units of average daily attendance generated in those classes and computed pursuant to specific provisions of current law, for purposes of state apportionments Existing law requires the Chancellor of the Community Colleges, notwithstanding certain provisions of current law, to make specified adjustments to the 1986–87 fiscal year base average daily attendance and base revenue for each community college district that received an allowance for classes for inmates in the 1985–86 fiscal year

This bill would delete the provision requiring the chancellor to make these adjustments.

Existing law also authorizes the Chancellor of the California Community Colleges to take specific action if he or she determines that a district's plans prepared, as specified, are inadequate to solve the district's financial problems, or if the district fails to implement the plans.

This bill would include, among the actions that the chancellor may take, authorizing the district, at its own expense, to contract for reviews and audits, as specified, and transferring specified funds to the support budget of the office of the chancellor to pay the costs incurred in performing specified services.

This bill would appropriate $75,000 to the Department of Finance for allocation for the 1987–88 fiscal year to the Board of Governors of the California Community Colleges to continue the development of a new community college funding mechanism, as initiated under a specified provision of existing law

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1319 (AB 2448) Eastin. Solid waste landfills· cleanup and maintenance

(1) Existing law prohibits any member of the California Waste Management Board from participating in any board action involving the member or a solid waste handler with which the member is connected as a director, officer, or employee or in which the member has a direct personal financial interest.

This bill would revise these provisions to, in addition, prohibit a member from attempting to influence any decision or recommendation by any board employee or consultant.

(2) Existing law requires the board to formulate and adopt state policy for solid waste management, including minimum standards for solid waste handling and disposal.

This bill would require any person operating a solid waste landfill, as defined, on January 1, 1988, to certify to the board and the enforcement agency that the operator has prepared an initial estimate of closure and postclosure maintenance costs and established a trust fund or equivalent financial arrangement acceptable to the board to provide for closure and postclosure maintenance, and that the amounts which will be deposited annually in the trust fund or equivalent financial arrangement acceptable to the board will be adequate. The bill would require the operator to submit a closure plan and postclosure maintenance plan to the enforcement agency, as specified, and to submit evidence of financial ability to provide for the costs of closure and postclosure maintenance to the board with the closure and postclosure maintenance plans The bill would prohibit any person from operating a solid waste landfill more than one year after the plans are submitted, unless the plans have been approved by the enforcement agency and the board The board would be required to adopt emergency regulations by July 1, 1989, concerning closure and postclosure maintenance procedures and standards

(3) Existing law authorizes an enforcement agency, or the board, as specified, to issue a cease and desist or cleanup order whenever any person is operating, or proposes to operate, a solid waste facility which causes a condition constituting an emergency requiring immediate action

This bill would authorize the enforcement agency to issue to the owner or operator

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

of a solid waste landfill an order to take corrective action when there is a migration of methane gas or waste causing or threatening to cause a condition of hazard, pollution, or nuisance The board would be authorized, upon its own initiative or upon the request of an enforcement agency, after notification of the enforcement agency, to enforce the provisions regulating solid waste, to issue an order to abate a nuisance or protect human health and the environment, to prepare closure and postclosure plans, and to contract for corrective action, pursuant to a specified procedure

(4) Existing law requires every county, in cooperation with cities, to prepare and submit to the board a county solid waste management plan which is required to, among other things, deal with hazardous waste disposal Existing law requires that any person operating or proposing to operate a solid waste facility obtain a solid waste facilities permit from the enforcement agency, as designated by each county.

This bill would enact the Solid Waste Disposal Site Hazard Reduction Act of 1987 and would create the Solid Waste Disposal Site Cleanup and Maintenance Advisory Committee and prescribe its membership The bill would direct the advisory committee to establish criteria for selecting grant recipients and for making loan guarantees pursuant to these provisions, and would direct it to make recommendations to the board thereon. The bill would permit the board to make loan guarantees to solid waste landfill facility operators for implementing corrective actions The board would also be authorized to make grants to counties and cities for household hazardous waste collection systems and waste control and enforcement programs to prevent the disposal of hazardous wastes in solid waste disposal sites

The board would be required to annually grant or allocate specified funds to enforcement agencies and the California regional water quality control boards to support solid waste landfill permit inspection and enforcement programs.

The bill would require the board to make specified findings and determinations in making grants and loans under these provisions

The bill would create the Solid Waste Disposal Site Cleanup and Maintenance Account in the General Fund and would make the money in the account available to the board, upon appropriation, for purposes of the bill The bill would require the State Board of Equalization to assess and collect an annual fee from every operator of a solid waste landfill required to have a solid waste facilities permit in such an amount that total fees collected each year are approximately $20,000,000, but not to exceed a total amount each July 1 in the account of more than $100,000,000. The bill would require the state board to deposit these fees in the account

The bill would authorize an operator that pays a fee to impose an administrative user fee of not more than 5 percent This provision would be repealed on January 1, 1994

The bill would also appropriate $2,000,000 to the account, as a loan, and would direct the board to repay this amount, with interest as specified, by July 1, 1990

The bill would make a statement of legislative findings and a declaration of legislative intent.

(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 requiring enforcement agencies to approve closure and postclosure maintenance plans and by creating a new crime for refusing to submit specified data to the board

The bill would provide that no reimbursement is required by this act for specified reasons

(6) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1320 (SB 200) Roberti Public meetings

Existing law provides that the Bagley-Keene Open Meeting Act shall not be construed to prevent the Trustees of the California State University from holding closed sessions dealing with site selection for the state university, or to prevent a state body from holding a closed session to confer with legal counsel regarding pending litigation when discussion in open session concerning those matters would adversely affect or be detrimental to the public interest

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

This bill would provide instead that the act shall not be construed to prevent any state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding price and terms of payment.

Under existing law, this act may not be construed to prevent a state body from holding a closed session to confer with its legal counsel regarding pending litigation when open discussion of those matters would adversely affect or be detrimental to the public interest.

The bill would instead specify that the act shall not be construed to prevent a state body, based on the advice of its counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session would prejudice the state body's position The bill would prescribe when litigation is pending It would require the state body's legal counsel to prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session and would exempt the memorandum from public disclosure under the Public Records Act. It would state that all expressions of the lawyer-client privilege other than those provided in the act are abrogated, and would state that the act is the exclusive expression of this privilege for purposes of conducting closed-session meetings pursuant to the act.

It would make an identical conforming change to the Ralph M Brown Act, the open meeting law for local agencies.

Ch. 1321 (SB 364) Montoya. Clinical laboratories.

Existing law provides that a laboratory director, for purposes of provisions regulating clinical laboratories, means a person who is a licensed physician and surgeon or is licensed to direct a laboratory under those provisions. Regulations of the State Department of Health Services, which is charged with administering those provisions, provide that the director of a clinical laboratory in an acute care hospital shall be a physician and surgeon certified or eligible for certification in clinical pathology or pathologic anatomy by the American Board of Pathology or, if a qualified physician and surgeon is not available, the director may be another physician and surgeon or a clinical laboratory bioanalyst if a qualified physician and surgeon is available for consultation, as specified

This bill would add the provisions of that regulation to the Business and Professions Code The bill would specify that these provisions do not apply to any director of a clinical laboratory of an acute care hospital acting in that capacity on or before January 1, 1988.

Ch. 1322 (SB 456) Bergeson. Oil and gas wells.

(1) Under existing law, the State Oil and Gas Supervisor is authorized to order inspection or tests, abandonment, reabandonment, or other operations on hazardous and certain idle-deserted oil and gas wells, as defined, and to expend funds from charges levied on producers of oil and gas, as prescribed for purposes of abating those nuisances

This bill would, with specified exceptions, include as a hazardous well for those purposes, a well which has been determined by the supervisor to pose a present danger to life, health, or natural resources and has been abandoned in accordance with the applicable requirements 15 or more years before the date of the supervisor's determination that it poses such a danger

(2) Under existing law, the supervisor is authorized to order the reabandonment of any previously abandoned well when the future construction of any structure over or in the proximity of the well could result in a hazard and the cost of the reabandonment operations is the responsibility of the owner of the property upon which the structure will be located, except that these provisions do not preclude application of the provisions relating to abatement of hazardous wells and idle-deserted wells

This bill would make the provisions relating to hazardous and idle-deserted wells inapplicable to remedy any problem posing a danger to life, health, or property from a previously abandoned well where construction of any structure over or in the proximity of the well is begun after January 1, 1988, and the property owner, developer, or local agency permitting the construction failed to obtain an opinion from the supervisor as

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

to whether the previously abandoned well must be reabandoned The bill would prescribe related matters.

(3) Existing law requires the supervisor 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.

This bill would authorize the Director of Conservation to award grants to eligible jurisdictions, as defined, for purposes of planning, equipment purchases, installation, and other measures related to the mitigation of methane gas hazards, as identified in the study, subject to prescribed procedures and requirements

The bill would create the Methane Gas Hazard Reduction Account in the General Fund and would transfer $500,000 to the account from the Special Account for Capital Outlay in the General Fund

Ch. 1323 (SB 576) Keene. Transactions and use taxes: county tax

The existing Transactions and Use Tax Law authorizes counties to impose a transactions tax upon all retailers at the rate of .5% of the gross receipts of the retailer and a use tax at the same rate with respect to the sales price of tangible personal property to finance rapid transit systems.

This bill would authorize the County of Mendocino to impose a transactions and use tax at a rate of ½ or 1% for a period of not more than 5 years for the purpose of funding county library programs and operations.

Ch. 1324 (AB 1532) Longshore. Courts Napa, Orange, and San Diego Counties.

(1) Existing law provides for the compensation of superior court reporters in Napa County

This bill would increase the compensation of superior court reporters in Napa County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also authorize further increases in the compensation of superior court reporters in Napa County, as specified

(2) Existing law specifies the compensation of the traffic referee and court commissioner for the West Kern Municipal Court District in Kern County

This bill would authorize increases in the compensation of the traffic referee and court commissioner for the West Kern Municipal Court District in Kern County, as specified.

(3) Existing law provides for the number of municipal court commissioners and the number, classification, and compensation of other municipal court personnel in Orange County.

This bill would revise the number of municipal court commissioners and the number, classification, and compensation of other municipal court personnel in Orange County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(4) Existing law provides for the number, classification, and compensation of municipal court personnel in San Diego County

This bill would revise the number, classification, and compensation of municipal court personnel in San Diego County, 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. 1325 (AB 1705) Costa. Fisheries restoration

Existing law transfers $5,000,000 in a specified priority to other allocations in the 1985–86 and 1986–87 fiscal years from revenues, moneys, and remittances received by the State Lands Commission to the Fisheries Restoration Account in the Fish and Game Preservation Fund and appropriates the money in the account in those two fiscal years and the 1987–88 fiscal year to the Department of Fish and Game for restoration of fishery

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

resources and habitat damaged by past water diversions and other projects and other development activities

This bill would transfer $5,000,000 in the 1988–89 fiscal year to the account from those revenues in the same priority, and would appropriate the money to the department for expenditure in fiscal years 1986–87 to 1990–91, inclusive, for those restoration purposes. The bill would express the intent of the Legislature that any subsequent transfers to the account be made in the annual budget acts. The bill would also require preproject and postproject evaluations of projects funded from the account and would authorize the department to pay its administration costs, as specified, from the account, not to exceed 5% of the amounts appropriated from the account The bill would also authorize the department to contract for services for the purpose of evaluating and administering these projects

Ch 1326 (AB 234) Leonard Air pollution· motor vehicle and locomotive emissions

(1) Under existing law, the State Air Resources Board adopts emission standards for new motor vehicles sold in this state, and certifies new motor vehicles and new motor vehicle engines pursuant to statute.

This bill would create the Advisory Board on Air Quality and Fuels consisting of 17 members. The advisory board would, until January 1, 1993, have specified duties and would be required to report to the Legislature not later than one year after the appointment of its members, on the impacts and feasibility of methanol-fueled vehicle production and methanol availability.

(2) Under existing law, the State Energy Resources Conservation and Development Commission publishes and submits to the Legislature a biennial report describing emerging trends in the use, availability, and pricing of petroleum products and other fuels

This bill would require the commission to prepare, by September 1, 1988, a report on the expected prices and availability of fuels required for use in low-emission vehicles and to thereafter include in this biennial report information on the expected availability and prices of these fuels, and on other related matters

(3) The bill would require the state board to conduct a study, in conjunction with the state railroad industry, regarding locomotive emissions, if the study can be conducted with existing resources or from nonstate sources The study would be conducted under the direction of the Locomotive Emission Advisory Committee, which the bill would create with a specified membership The bill would require that the study be completed and submitted to the Legislature and the Governor The bill would also authorize the conduct of a demonstration project based on the study and the committee's findings.

Ch 1327 (AB 777) Cortese Public agencies

Under existing law, the board of supervisors, by ordinance, may establish a procedure for the abatement of a nuisance, and existing law sets forth the minimum requirements for that procedure, including a hearing.

This bill would permit the board of supervisors, in counties with a population of 6,000,000 or more, to delegate the hearing to a hearing board designated by the board, as specified

Existing law permits any interested person to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of provisions of law relating to open meetings and notice of the agenda of the legislative body's meetings is null and void. Prior to commencement of the action, the interested person is required to make a demand of the legislative body to cure or correct the alleged violation The demanding party must commence the action or be barred within 15 days of the receipt of the written notice of the legislative body's decision to cure or correct, the expiration of 30 days to cure or correct, or 75 days from the date the challenged action was taken, whichever is earlier.

This bill would revise the time within which the action is required to be commenced or barred to within 15 days of receipt of the written notice of the legislative body's

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

decision to cure or correct, or not to cure or correct, within 15 days of the expiration of the 30-day period to cure or correct, or within 75 days from the date the challenged action was taken, whichever is earlier.

Under existing law, certain local agency formation commissions may appoint one alternate public member.

This bill would clarify that, when serving, the alternate member exercises only one vote, even if more than one regular public member is absent or disqualified from voting.

Existing law permits any person, prior to a meeting of the local agency formation commission, to cause a transcript record to be made of the meeting at his or her cost

This bill would instead permit a stenographic or electromagnetic record to be made at the person's request and the commission to request a deposit to be made to cover the cost of recording

Existing law requires the executive officer of the commission to mail a copy of the commission's resolution making determinations on reorganizations, annexations, or incorporations to the conducting authority, among others

This bill would require that copy to be certified as a true and correct copy by the executive officer and thus would impose a state-mandated local program

Existing law, with respect to a local government change of organization or reorganization, provides that a majority protest is deemed to exist and the proposed change of organization or reorganization shall be abandoned if the conducting authority finds that the written protests represent, in the case of inhabited territory, 50% or more of the voting power of voters entitled to vote as a result of residing in or owning land in the territory

This bill would, instead, provide that a majority protest exists in the case of inhabited territory if the written protests represent 50% of the voters residing in the territory, and, in the case of a landowner-voter district, the written protests represent 50% or more of the voting power of the voters entitled to vote as a result of owning land within the district

Existing law requires the conducting authority in a local government change of organization or reorganization to adopt a resolution confirming the order of the change of organization or reorganization if a majority of votes cast upon the question are in favor at elections, as specified.

This bill would additionally require the adoption of the resolution if a majority of the votes cast are in favor of the change at both an election called within the area to be organized or reorganized and an election called within the territory of an affected city when required to confirm an annexation or reorganization.

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 Big River 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.

Under existing law, a community services district may sue and be sued in its own name, but generally may not, with certain express exceptions, enforce covenants, conditions, and restrictions adopted for each tract in the district and assume and perform the duties of the architectural control committee for each tract.

Existing law specifies the powers of the board of directors of county sanitation districts

This bill would permit the board, by resolution, to change the name of the district.

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 31 of each year

This bill would, instead, require that information to be filed on or before August 10 of each year By advancing the date that this report must be filed, this bill would impose

---

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

a state-mandated local program.

Existing law requires the board of supervisors to cause highway work to be done in accordance with specified provisions and that notice calling for bids shall be published in a newspaper as specified

This bill would repeal that provision in the Public Contract Code and enact it in the Streets and Highways Code.

Under existing law, 3 of the members of the California Uniform Construction Cost Accounting Commission, who were appointed by the Controller, are required to have 10 years' experience with, or providing professional services to, a general contracting firm in public works construction

This bill would delete one of these members and substitute as an ex officio member of the commission the member of the Contractors' State License Board who is also a general engineering contractor.

Existing law permits the board of trustees of a reclamation district to elect to keep the polls open from 7 a.m. on the day of election until 7 p.m., as specified.

This bill would permit the board to keep the polls open from 7 a.m. on the day of election until 8 p.m , under specified conditions

Existing law requires the Fairfield-Suisun Sewer District to let contracts for construction of any work pursuant to specified provisions of law.

This bill would correct an obsolete reference to those provisions.

The bill would make legislative findings and declarations with regard to the need for a special law applicable to the Big River Community Services District.

The California Constitution requires 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, except for certain specified costs, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 1328 (AB 958) Duplissea Transportation

(1) Existing law authorizes the Department of Transportation to contract with railroad corporations for the provision of passenger services and authorizes the department to operate facilities in the San Francisco Peninsula commute corridor

This bill would specifically authorize the City and County of San Francisco and the Counties of San Mateo and Santa Clara to enter into a joint powers agreement to create a joint powers agency which could be known as the Peninsula Corridor Study Joint Powers Board

The bill would appropriate $250,000 from the Transportation Planning and Development Account in the State Transportation Fund to the Department of Transportation for allocation to the San Mateo County Transit District in order to help establish the board and to conduct any planning, environmental, or right-of-way activities in preparation for the board or its successor to operate, manage, and maintain the rail service beginning July 1, 1990 Any of these funds which have not been encumbered within 2 years of the operative date of this bill would revert to the account

(2) Under existing law, the Department of Transportation is authorized to enter into contracts with the National Railroad Passenger Corporation (AMTRAK) to provide commuter and intercity rail services. The department is also authorized to construct, acquire, or lease and to improve and operate rail passenger terminals and related facilities along specified corridors, including the so-called San Joaquin route covering the Los Angeles-Bakersfield-Stockton-Oakland corridor.

This bill would expand the existing Los Angeles-Bakersfield-Stockton-Oakland corridor to include Fresno and Sacramento, and would specifically authorize the department to enter into a contract with AMTRAK to provide an additional third train over the expanded San Joaquin route

---

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

(3) Existing law authorizes formation of the San Mateo County Transit District and prescribes the purposes, organization, powers, and duties of the district. Among other things, the district is authorized to issue general obligation bonds upon approval of the electors of the district, to impose a transactions and use tax, and to use proceeds of that tax to retire those bonds.

This bill would, in addition, authorize the district to issue limited obligation bonds, as specified, secured by a pledge of the proceeds of the transactions and use tax.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1329 (AB 972) Hauser. Sea urchins

Under existing law, the Fish and Game Commission is authorized to limit the number of permits under which sea urchins may be taken. Existing law also imposes landing taxes on fish delivered by commercial fishermen in California at specified rates.

This bill would require the Department of Fish and Game to study the health of the sea urchin fishery and report to the Legislature on or before January 1, 1991.

The bill would until January 1, 1991, impose an additional landing tax of ½ cent per pound for sea urchins delivered by commercial fishermen in California to reimburse the Fish and Game Preservation Fund for the following appropriation. The bill would appropriate $150,000 from that fund to the department for the study and report The bill would create the Sea Urchin Resource Protection Account in the fund, and, after the first $150,000 is expended, require the revenues from ¼ cent to be put in that account and revenues from the other ¼ cent in the fund. The bill would require the Director of Fish and Game to appoint a 10-member Commercial Sea Urchin Advisory Committee and would require the department to submit biennial reports on sea urchin programs. The provisions of the bill would terminate on January 1, 1991.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1330 (AB 1109) Tucker Court fees.

(1) Existing law establishes the fee for keeping and caring for property under a writ of attachment, execution, possession, or sale, and prohibits the imposition of additional fees by the levying officer under the Wage Garnishment Law

This bill would require, in addition, the assessment of a $5 processing fee for each disbursement of moneys collected under a writ of execution, attachment, possession, or sale, except as specified, to be deposited in a special fund in the county treasury and expended only as specified The bill would provide that the fee shall be collected from the judgment debtor in addition to, and in the same manner as, the moneys collected under the writ The bill would create an exception to the imposition of additional fees under the Wage Garnishment Law for purposes of the $5 processing fee

This bill, by requiring assessment of the processing fee, would establish 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. 1331 (AB 1257) Polanco Transportation urban freeway: truck traffic

Existing law provides that the Department of Transportation has control of all state highways and is authorized to do any act necessary, convenient, or proper for improvement and use of all highways.

This bill would appropriate $300,000 from the State Highway Account in the State Transportation Fund to the department for a study of urban freeway truck traffic congestion as it pertains to urban grid-lock, as specified, and require a report to be transmitted to the Legislature on or before January 1, 1989

Ch 1332 (AB 1284) Hansen Fire equipment Office of Emergency Services.

Existing law establishes the Office of Emergency Services to mitigate the effects of natural, man-made, and war-caused emergencies.

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

This bill would authorize the Director of the Office of Emergency Services to acquire new or used firefighting apparatus and equipment for resale to any city, county, special district, or joint powers agency which provides fire suppression services or for resale to any fire company If the apparatus or equipment is acquired from another state agency, this bill would require the Office of Emergency Services to pay fair market value for it. It would permit the Office of Emergency Services to contract with a local agency which serves a rural area for the resale of new or used firefighting apparatus and equipment.

This bill would also provide that if a state agency proposes to make firefighting apparatus or equipment currently owned and operated by the state available to the Office of Emergency Services, the Department of General Services shall determine whether any other state agency has an immediate need for it. It would permit the office to finance these resale contracts in a specified manner

This bill would establish a continuously appropriated State Assistance for Fire Equipment Account for purposes of the above-described activities and would appropriate $225,000 from the Disaster Response-Emergency Operations Account in the Reserve for Economic Uncertainties to this new account. It would require the resale contracts between the office and local agencies to require that the apparatus or equipment be utilized as a part of a mutual aid agreement. It would require the director to adopt specified rules and regulations governing this program. It would exempt this program from the requirements of the State Equipment Council or the Office of Fleet Administration of the Department of General Services It would require the director to make specified reports to the Legislature.

Ch. 1333 (AB 1667) Johnston. Initiative and referendum.

Existing law specifies the procedure applicable to the qualification of initiative and referendum measures for state and local elections.

This bill would provide that, notwithstanding any other provision of law, a person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a state or local initiative or referendum measure. It would authorize the proponents, as a result of those negotiations, to withdraw the measure at any time before the filing of the petition with the county clerk or registrar It would make withdrawal of the measure effective upon receipt by the Secretary of State of a written notice of withdrawal signed by all proponents of the measure

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1334 (AB 1726) Areias. Communicable diseases

Under existing law, every city police officer, sheriff, deputy sheriff, marshal, deputy marshal, peace officer member of the California State Police and the California Highway Patrol, and every peace officer member of a district authorized by statute to maintain a police department, with specified exceptions, is required to meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation

This bill would require that this training include instruction in the use of a portable manual mask and airway assembly designed to prevent the spread of communicable diseases.

This bill would require every law enforcement agency employing peace officers, as described, to provide each peace officer with training in the use of an appropriate portable manual mask and airway assembly designed to prevent the spread of communicable diseases when applying cardiopulmonary resuscitation This bill would also require a law enforcement agency to provide to each peace officer a portable manual mask and airway assembly.

Since the bill imposes additional duties upon local law enforcement agencies, it 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.

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

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

Ch. 1335 (AB 1857) N. Waters. Correctional facilities: juveniles.

Existing law provides for the allocation of funds derived from the County Correctional Facilities Capital Expenditure Bond Act of 1986, including an allocation of $2,500,000 for specified counties for the construction of county juvenile facilities, detention alternatives, or secure facilities.

Existing law requires counties to provide matching funds of 25% of project costs.

This bill would provide that the 25% matching fund requirement applies to the above-mentioned counties, with respect to juvenile facilities in those counties.

This bill would appropriate $250,000 from the General Fund to the Department of the Youth Authority for allocation as a loan to the above-mentioned counties for specified purposes. This bill would provide that any money allocated pursuant to these provisions shall be repaid within 5 years of the loan at an interest rate to be determined by the state, and would require the department to reduce the annual payments from the County Justice System Subvention Program by an appropriate amount for any county which fails to make scheduled payments on its loan

Ch. 1336 (AB 1956) Filante Business and professions healing arts

(1) Existing law does not authorize the Board of Medical Quality Assurance, generally, to contract with a consultant to assist it.

This bill would specifically authorize the board to select and contract with physicians and surgeons to assist it in its programs.

(2) Existing law prohibits any person from engaging in the practice of medicine, as specified, without a certificate issued pursuant to the Medical Practice Act.

This bill would make technical, nonsubstantive changes in that provision.

(3) Existing law prescribes limitations of time in which prosecution for criminal offenses may be commenced. The law specifies that a limitation of time does not commence until discovery of specified offenses, including, among others, one in which fraud is an element of the offense.

This bill would provide that the limitation of time does not commence to run until discovery of a violation of existing provisions of the Business and Professions Code relating to the sale, purchase, procurement, or use of degrees, certificates, diplomas, transcripts and other writings, the making of false statements in documents and writings, and the violation of examination security or impersonation of another in an examination, which are required for licensure, certification, or registration under the Healing Arts Division of the Business and Professions Code, as specified

(4) This bill would incorporate additional changes in Section 803 of the Penal Code, proposed by SB 1590, to be operative only if SB 1590 and this bill are both chaptered and become effective on or before January 1, 1988, and this bill is chaptered last. These changes would become operative on the operative date of SB 1590.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1337 (AB 1961) Farr Hazardous waste. reduction assistance.

Existing law requires the State Department of Health Services to establish a hazardous waste technology, research, development, and demonstration program to provide grants to research, develop, and demonstrate hazardous waste reduction, recycling, and treatment technologies.

This bill would request the University of California to develop an internship pilot program on or before June 1, 1988, to provide private businesses with assistance and information on hazardous waste reduction methods, except that, if specified funds are not available, the university would be requested to instead report to the Legislature by June 1, 1988, concerning the feasibility of establishing a hazardous waste reduction internship program

The bill would request the University of California to submit a report to the Legisla-

---

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

ture by January 1, 1990, concerning the implementation of this bill.

Ch. 1338 (AB 1965) Farr. Soquel Demonstration State Forest

Under existing law, the Department of Forestry and Fire Protection is authorized to engage in the management, protection, and restoration of state forests in accordance with plans approved by the State Board of Forestry

This bill would declare it the policy of the state to establish the Soquel Demonstration State Forest in Santa Cruz County The department would be responsible for the development and establishment of the state forest and for maintenance and operations. The bill would authorize the department to permit a limited amount of commercial timber operations within the forest in order to provide funds for its maintenance and operation The bill would require the department, in conjunction with a specified advisory committee, to adopt a general plan for the park by January 1, 1989, and would require the general plan to be approved by the advisory committee prior to adoption by the department.

The department's duties and authority under the bill would only arise if the state acquires the property comprising the demonstration forest.

Ch 1339 (AB 2481) Hauser. Housing manufactured homes and mobilehomes

Existing law sets forth detailed requirements for dealers and salespersons in manufactured homes and mobilehomes and also sets forth numerous requirements for selling or transferring and registering this property, including provisions for escrow instructions.

This bill would require the escrow instructions to provide that the payment of any fee, charge, dedication, or other form of requirement levied by a school district, as specified, be made to the appropriate school district upon the close of escrow, except where the school district has certified compliance with that fee, charge, dedication, or other form of requirement

The bill would also provide, that upon the opening of escrow on a used manufactured home or mobilehome which is subject to local property taxation and subject to registration, as specified, the escrow officer may forward to the tax collector of the county in which the used manufactured home or mobilehome is located, a written demand for a tax clearance certificate, if a tax liability exists, to be provided on a form prescribed by the office of Controller, which shall state the amount of the tax liability due, if any, and the final date that amount may be paid out of the proceeds of escrow before a further tax liability may be incurred The bill would impose a state-mandated local program, as a violation of these provisions would be a misdemeanor The bill would also impose additional duties upon tax collectors, and thereby impose a state-mandated local program.

The bill would also exempt specified governmental entities from specified requirements relating to the transferring and registration of manufactured homes and mobilehomes.

The bill would provide that the covenants, conditions, and restrictions or other management documents shall not prohibit the sale, lease, rent, or use of real property on the basis that the structure intended for occupancy on the real property is constructed in an offsite facility or factory, and subsequently moved or transported in sections or modules to the real 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, 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 for certain costs no reimbursement is required by this act for a specified reason.

Moreover, the bill would provide that no reimbursement shall be made from State Mandates Claims Fund for other 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 those additional costs

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

Ch. 1340 (AB 2606) Felando. Medi-Cal.

Existing law establishes a Medi-Cal therapeutic drug utilization review system for the evaluation of therapeutic outcomes of drugs prescribed for persons eligible for Medi-Cal and, in conjunction with that system, establishes an open drug formulary, to be implemented in one pilot project site, in which there is no requirement that prior authorization be obtained by a provider before prescribing any drug to a beneficiary if the provider determines that drug to be a medical necessity in the treatment of the beneficiary, with certain limitations on the use of controlled substances.

This bill would provide that the open drug formulary pilot project not be implemented until federal approval is secured and full federal financial participation is assured and would make conforming changes, would revise the date of which the State Department of Health Services may award a contract to implement the standards and procedures established by the Medi-Cal Therapeutic Drug Utilization Review Committee, would authorize the award of a contract which is not a sole source contract, and would revise the period to be used for analysis of the therapeutic outcomes of the Medi-Cal Drug Program

Ch. 1341 (SB 231) Montoya. Physicians and surgeons: reciprocity.

Existing law provides for the issuance of a physician's and surgeon's certificate on reciprocity to a person meeting certain specified requirements including, among other things, passing a written examination equivalent to that administered in California and taking and passing the clinical portion of the written examination in California to be administered by the Division of Licensing of the Board of Medical Quality Assurance.

This bill would provide for the issuance of a physician's and surgeon's certificate on reciprocity, without requiring the applicant to take and pass the clinical portion of the written examination in California if the person is a graduate of an accredited medical school, as specified.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1342 (SB 249) Nielsen. Consumer affairs civil penalty distribution

Under existing law governing distribution of civil penalties assessed for acts of unfair competition, violations of specified statutory requirements on advertising, or violations of an injunction issued to enforce those advertising requirements, the county in which the judgment is entered assessing the civil penalty is entitled to all or a portion of the amount of the civil penalty collected, less prescribed expenses, if any.

This bill would provide that, notwithstanding these provisions, all civil penalties in the case of People v. A-S Development shall be paid to Tehama County, Plumas County, and the state in the ratio of 53.70%, 26.85%, and 19 45%, respectively

The bill would declare that it constitutes necessary special legislation.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1343 (SB 281) Mello Criminal law insanity.

(1) Existing law provides that in the case of a person found not guilty by reason of insanity, the person may apply for release upon the ground that the sanity has been restored. Existing law also provides that the court shall hold a hearing to determine if the applicant would no longer be a danger to the health and safety of others, including himself or herself, if under supervision and treatment in the community, and that if the court finds that the applicant will not, the court shall order the applicant placed with an appropriate local mental health program, as specified, or placed on outpatient status under certain circumstances. These provisions of existing law relating to the placement of an applicant in an appropriate local mental health program are operative only until January 1, 1989, and as of that date are repealed

This bill would extend the repeal date until January 1, 1994, thereby imposing a state-mandated local program, by extending the period additional duties are imposed upon local mental health programs.

The bill would also delay until January 1, 1994, the operative date of the provisions alternative to the above provisions which are scheduled to become operative January 1, 1989.

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

This bill would also make certain technical, conforming changes.

(2) Existing law authorizes outpatient status to be granted for certain offenders committed to a state hospital or other treatment facility after, among other things, notice has been given to the victim or next of kin of the victim of the offense for which the person was committed if a request for notice has been filed with the court. Existing law also requires notice of any unattended day release of a committed person to the victim or next of kin at the inception of a program. These notice provisions of existing law are scheduled to be repealed on January 1, 1989.

This bill would extend the repeal date until January 1, 1994.

The bill would also delay until January 1, 1994, the operative date of the provisions alternative to the above provisions which are scheduled to become operative January 1, 1989.

The California Constitution requires 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 1344 (SB 298) Craven Property taxation mobilehome parks.

Existing property tax law requires the reassessment of real property upon a change in ownership and specifies what transfers of property do and do not constitute a change in ownership. It also provides that transfers that do not constitute a change in ownership include any transfer, on or after January 1, 1985, until January 1, 1989, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other entity, as described in Section 50561 of the Health and Safety Code, formed by the tenants of the park for the purpose of purchasing the park

This bill would extend the operation of the above exclusion from change in ownership until January 1, 1994. This bill would also delete from that exclusion the reference to Section 50561 of the Health and Safety Code

This bill would declare the Legislature's intent with regard to the application of the above exclusion to all bona fide transfers of rental mobilehome parks

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1345 (SB 351) Robbins Vehicles. financial responsibility penalty

Under existing law, the county treasurer is required to transmit to the Controller, for deposit in the General Fund, $10 for each alleged violation of specified provisions requiring the operator of a motor vehicle to provide proof of financial responsibility.

This bill would, instead, require the county treasurer to transmit to the Controller $10 upon the conviction of, or upon the forfeiture of bail from, any person arrested or notified for a violation of those provisions

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1346 (SB 519) Craven School facilities fees mobilehomes

Existing law grants the authority to school district governing boards to impose developer fees or other requirements for the purposes of school construction or reconstruction, subject to specified limits, and prohibits the imposition of other developer fees for those purposes, excepting certain statutory fees and requirements relating to interim school facilities. Existing law also specifies that, in the case of the sale of a manufactured home or mobilehome, the payment of those developer fees shall occur at the time of occupancy pursuant to the sale or lease of the manufactured home or mobilehome, as specified

This bill would limit the levying of any school facilities fee or other requirement, as described, to the initial location, installation, or occupancy within the school district of any manufactured home or mobilehome on a mobilehome park space or other site or

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

development on which construction of the pad or foundation system commenced after September 1, 1986, as specified, prohibiting that levy against any manufactured home or mobilehome accessory structures, and against subsequent replacements, additions, or conversions, as specified. This bill would impose a state-mandated local program by requiring school districts to reimburse any school facilities fees or other requirements collected on or after January 1, 1987, to the extent those fees or other requirements would not have been authorized under this limitation, as specified.

Existing law also specifies that, in the case of the sale of a manufactured home or mobilehome, the payment of school facilities fees or other requirements shall occur at the time of occupancy pursuant to the sale or lease of the manufactured home or mobilehome, as specified.

This bill would provide, instead, that compliance with a school facilities fee or other requirement on the part of any manufactured home or mobilehome is required as a condition of the close of escrow or approval of occupancy, as applicable

This bill would incorporate additional changes in Section 18035 of the Health and Safety Code, proposed by AB 2109, or AB 2481, or both, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1347 (SB 915) Robbins. California automobile assigned risk plan.

Existing law requires the Insurance Commissioner to approve an assigned risk plan for the equitable apportionment among insurers of applicants for bodily injury and property damage insurance who cannot procure coverage through ordinary methods. The plan is required to contain various provisions to carry out the purposes of the law, including the manner of payments of premiums for insurance coverage.

This bill would require the plan to include procedures for notifying within a reasonable time the agent, broker, or solicitor who obtained insurance under the plan for the insured of any nonpayment of premium to the insurer when notice of nonpayment is sent to the insured

The bill would also incorporate further amendments to Section 11624 of the Insurance Code made by SB 911, contingent upon the prior enactment of SB 911.

Ch. 1348 (SB 917) Morgan. Secretary of State· filing fees.

Existing law establishes the fees for filing various documents with, and obtaining various certificates from, the Secretary of State.

This bill would increase these fees as specified, including the fees for specified filings made pursuant to the Commercial Code and the fee for the delivery of service of process to a partnership by the Secretary of State.

Existing law authorizes specified filings made pursuant to the Commercial Code to be recorded by a system of microphotography.

This bill would additionally authorize this recordation to be made by optical disk or reproduction by other techniques which do not permit additions, deletions, or changes to the original document. It would provide that reproduction of any document filed on microfilm or stored on optical disk pursuant to this authority shall be admissible in any court of law.

The bill would appropriate $350,000 from the General Fund to the Secretary of State for funding an optical disk system under specified circumstances.

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

Ch. 1349 (SB 1073) Bergeson Subdivisions: final map fees: Orange County.

Existing law relating to local government provides that no change of organization or reorganization or term or condition thereof shall impair the rights of any bondholder or other creditor of any county, city, or district.

This bill would provide that those actions shall not impair the contract rights or contracts entered into by a public entity created by a joint exercise of powers agreement.

Existing law provides that any change of organization or reorganization may provide for, or be made subject to, specified terms and conditions which shall not directly regulate land use, property development, or subdivision requirements. One of those terms is the levying of assessments or the approval by the voters of general or special taxes

This bill would provide that the imposition of a building permit fee in Orange County or any city therein for constructing bridges and major thoroughfares does not constitute direct regulation of land use, property development, or subdivision requirements and would state that this provision is declaratory of existing law

Existing law requires the city council of a newly incorporated city to adopt an ordinance making all county ordinances applicable, as specified.

This bill would provide that if the Board of Supervisors of Orange County has adopted an ordinance or resolution concerning building fees described above a new city cannot repeal or supersede that ordinance until the county does so and would require the new city to comply with existing joint powers agreements, as specified.

Existing law provides that the Board of Supervisors of Orange County and the city council of any city in that county may by ordinance, require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the costs of building bridges and major thoroughfares

This bill would prohibit a successor agency to a city which had a joint powers agreement with Orange County to construct bridges and major thoroughfares from impeding that construction.

This bill would incorporate additional changes in Section 66484.3 of the Government Code, proposed by SB 1074 or SB 1413, or both, to become operative only if SB 1074 or SB 1413, or both, and this bill are chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

Ch. 1350 (SB 156) Maddy Medi-Cal. [30]

Existing law does not include daily ambulatory uterine monitoring within the scope of medical care services made available under the Medi-Cal program.

This bill would require the State Department of Health Services to implement, upon receipt of any necessary federal waivers and federal financial participation, a pilot project to assess the effectiveness of daily ambulatory uterine monitoring devices and services in reducing preterm births in Medi-Cal eligible women, and to select 5 counties to participate in the project.

The bill would authorize the State Department of Health Services to contract for an evaluation of the pilot project, and to report to the Legislature by September 1, 1990.

The bill would appropriate $1,050,000 from the General Fund to the State Department of Health Services, to be allocated, as specified, for the evaluation and Medi-Cal costs incurred in operating the pilot project

Ch. 1351 (SB 500) Royce. Respite care services foster care. [31]

Existing law authorizes the placement of children in foster care in certain circumstances, and, through the Aid to Families with Dependent Children-Foster Care program, provides assistance for the costs of a foster care child's needs

This bill would create a state-mandated local program by requiring the State Department of Social Services to designate the County of Orange and the County of San Diego to operate a model project to provide respite care service for handicapped children who are in family homes and small family homes.

The bill would deem the project successful if the Counties of Orange and San Diego each experience a 25% increase in the total number of family homes and small family

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

homes.

The bill would appropriate $120,000 from the General Fund to the State Department of Health Services for the 1988–89 fiscal year, for the purposes of this bill.

Ch 1352 (AB 57) Felando. Sales and use taxes: exemptions.

The Sales and Use Tax Law exempted from state sales and use taxes until January 1, 1987, the sale or use of diesel fuel used in operating watercraft in commercial deep sea fishing operations or commercial passenger fishing boat operations by persons who are regularly engaged in these operations outside the territorial waters of this state.

This bill would extend the operation of this exemption for a specified 12-month period.

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.

Ch 1353 (AB 1733) Isenberg. Aid to Families with Dependent Children eligibility

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

Existing law provides that a family receiving aid under the AFDC program shall be eligible to receive an allowance for special nonrecurring needs caused by sudden and unusual circumstances beyond the control of the family, and that a family shall only be eligible for this special needs allowance after the family has used all available liquid resources.

This bill would allow a family to be eligible after it has used all available liquid resources in excess of $100, and would revise the circumstances causing the special needs which make a family eligible for the special needs allowance.

The bill would impose a state-mandated local program by specifying that homeless assistance is available to a family seeking shelter when the family is either eligible or apparently eligible for AFDC, and that a nonrecurring special needs allowance of $30 a day shall be available for up to 3 weeks to qualifying AFDC applicant and recipient families for the costs of temporary shelter, which may be increased for large families, also if authorized by the Budget Act.

The AFDC program is supported in part by county funds, and by increasing the cost of the program by revising eligibility standards and by specifying the $30 per day nonrecurring needs allowance for temporary shelter, this bill would impose a state-mandated local program.

Existing provisions of law contain a continuous appropriation of funds for certain public assistance programs, including an amount sufficient to each county for the support and assistance, as specified, including an allowance for nonrecurring special needs, as specified.

This bill, by revising eligibility standards for nonrecurring special needs, revise the continuing appropriation and thereby result in an appropriation

Existing law also provides for various social services which shall be offered in order to further the welfare of children, including the provision of emergency shelter care.

This bill would specify that, for purposes of the Child Welfare Program, the term "emergency shelter care" means emergency shelter provided to children who have been removed from their parents or guardians.

Under existing provisions of law, AFDC assistance may be paid in-kind or by vendor payments where it is determined there is mismanagement of aid payments in cash by the recipient.

This bill would repeal that provision.

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

The bill would require the State Department of Social Services to adopt emergency regulations to implement this bill.

This bill would become operative February 1, 1988.

The California Constitution requires 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 1354 (AB 2170) Hughes. Superintendent of Public Instruction

Existing law does not provide for the development of video tapes and supplementary materials that would teach abstinence from sexual intercourse.

This bill would require the Superintendent of Public Instruction to contract with an organization for the development of a video tape and supplementary materials, as specified, that teach abstinence from sexual activity. The bill would authorize schools electing to use this video tape to use it within the context of comprehensive health education programs. This bill would require that the video tape and supplementary materials be reviewed by the State Board of Education. The bill would require the production, review, and duplication of the abstinence video to be completed by July 15, 1989

This bill would authorize the purchase of video tapes that have already been developed and conform to specified criteria by the State Department of Education for the purpose of distributing the video tapes to schools electing to use them.

This bill would appropriate $150,000 to the superintendent for the purposes of contracting for the development of a video tape and supplementary materials and purchasing tapes pursuant to this act.

Ch. 1355 (SB 1297) Petris California housing partnership.

Existing law contains various provisions relating to the provision of rental housing for defined lower income households and very low income households

This bill would permit a nonprofit corporation to be formed for the purpose, among other things, of (1) acquiring or rehabilitating housing and related facilities primarily for the benefit of lower income households or very low income households in areas without a nonprofit housing development corporation and (2) raising equity capital for this purpose for nonprofit housing development corporations. The bill would specify that the corporation is not a state entity and that the officers and employees of the corporation are not state officers or employees.

The bill would require the Governor to appoint, subject to advice and consent of the Senate, 5 of the incorporators of the corporation, and would require the Senate Rules Committee and the Speaker of the Assembly to each appoint one incorporator of the corporation. The bill would require those persons to be representatives of specified categories of persons.

The bill would authorize the corporation to enter into partnership agreements for specified purposes.

The bill would appropriate $500,000 from the Homeownership Assistance Fund to defray the corporation's startup and initial operating costs. This appropriation would constitute an advance to be repaid in accordance with a prescribed schedule.

Ch. 1356 (SB 1357) Craven Public officers and employees.

Existing law prescribes or provides for the compensation of various state and local officers and employees and uses both the terms "salary" and "compensation" for this purpose.

This bill would provide that whenever the California Constitution uses both the terms "salary" and "compensation", with respect to a public officer or employee, the terms

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

shall be construed to apply only to salary.

Ch. 1357 (SB 1477) Mello Victims of crime: rape crisis centers

Existing law permits indemnification by the State Board of Control of victims of crime, as defined, for specified expenses incurred as a result of the crime. The types of remuneration allowed under these provisions include payment for various types of medical and medical-related expenses.

This bill would define peer counseling for purposes of counseling of victims of rape and would specifically include peer counseling services provided by a rape crisis center as an allowable expense for remuneration

The bill would prohibit payment for those services from exceeding $15 for each hour of service provided The bill would limit those services to individual in-person counseling on a face-to-face basis, not to exceed 10 weeks plus one series of facilitated support group counseling sessions

This bill would permit the board to make certain additional payments to specified victims of sexual assault

Ch 1358 (SB 53) Presley. Public property. [32]

(1) Under existing law, the Department of Fish and Game, with the approval of the Fish and Game Commission, and the Department of General Services, may, subject to specified requirements, exchange any portion of the property lying within the boundaries of specified areas or ranges for any property within or contiguous to that area or range, or may sell the property and use the proceeds to acquire the new property

This bill would include specified additional areas and reserves within these provisions and would require the reservation of mineral rights, as specified

(2) Under existing law, the Department of Parks and Recreation may enter into agreements with other public agencies for the care, maintenance, administration, and control of lands for the state park system Under existing law, revenues received from lands under an agreement are generally required to be spent only for the care, maintenance, operation, administration, improvement, or development of the unit from which the funds were derived, and recreational trails providing access to those lands

This bill would permit surplus revenues, as prescribed, generated from all sources at Santa Monica State Beach to be appropriated in the Budget Act to the City of Santa Monica as a local assistance grant for repair of the Santa Monica pier and improvement and development of parking facilities providing access. After repair, improvement, and development of the pier and parking facilities, 25% of the excess revenues would be available for appropriation for further improvement and development of the pier and other shorefront facilities owned and operated by the city

(3) The bill would prohibit any building or structure that is listed on the National Register of Historic Places and which is transferred from state ownership to another public agency from being demolished, destroyed, or significantly altered, except for restoration to preserve or enhance its historical values, without the prior approval of the Legislature by statute

(4) Chapter 808 of the Statutes of 1982 enacted various provisions relating to the construction, alteration, repair, and improvement of state buildings in conjunction with state public works projects. These provisions will be repealed on January 1, 1988

This bill would add these provisions back into the law

(5) Under existing law, the State of California holds title to and operates El Pueblo de Los Angeles State Historic Park

This bill would require that El Pueblo de Los Angeles State Historic Park be transferred to the City of Los Angeles on condition that the property be used as a public park or monument, as specified.

(6) Under existing law, the Department of General Services has various duties concerning state property

This bill would permit the Director of General Services to sell, exchange, or lease specified parcels of state property and would delete that authority as to certain other properties

The bill would designate the funds into which the net proceeds are to be deposited.

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

(7) Under existing law, the Department of Parks and Recreation provides grant funds to various local agencies for park and recreational purposes.

This bill would amend and supplement the Budget Act of 1987 to appropriate $200,000 from the State, Urban, and Coastal Park Fund to the department for the purpose of providing local assistance funds to the County of Riverside for the Jensen-Alvarado Ranch.

Ch. 1359 (SB 482) Roberti. Public libraries: services. [33]

(1) Under the existing California Library Services Act, any local public library or combination of public libraries may submit a proposal to the California Library Services Board for the funding of special library services programs, as specified

This bill would additionally create the Families for Literacy Program to coordinate literacy and preliteracy services to families that include illiterate adults and young children, as specified

The bill would appropriate $400,000 for the program, including $100,000 for technical assistance and research, and $300,000 for grants to public libraries for family services.

(2) The bill would require the State Librarian to employ a consultant to provide technical assistance in the development and enhancement of library services to children and youth.

The bill would appropriate $50,000 to the State Library for the 1987–88 fiscal year costs of carrying out this requirement.

Ch. 1360 (AB 90) Floyd Crimes.

Existing law provides that certain designated state employees are included within the definition of "state peace officer/firefighter member," and are state miscellaneous members of the Public Employees' Retirement System (PERS). The Public Employees' Retirement Law (1) provides for state miscellaneous members, a 1.092%-at-age-50 to 2.418%-at-and-over-age-63 service retirement formula which is partially integrated with social security; (2) provides for state peace officer/firefighter members, a 2%-at-age-50 to 2.5%-at-and-over-age-55 service retirement formula, (3) provides for state peace officer/firefighter members, benefits and contribution rates which are higher than those for state miscellaneous members; (4) appropriates monthly the amounts of the state's employer contributions to the Public Employees' Retirement Fund (PERF); (5) provides that state miscellaneous members are, however, also covered by the federal social security system, while under statutes relating to the federal social security system, that coverage generally excludes "policemen" and "firemen" which categories would generally encompass state peace officer/firefighter members.

This bill would include persons in the office of the Secretary of State within the state peace officer/firefighter category of PERS membership, which inclusion would, by operation of law, be contingent upon a specified favorable federal ruling or regulation being made for the termination of federal social security coverage, and would therefore increase the state's contribution to the PERF.

Existing law relating to the unlawful possession of machineguns specifies that these provisions do not prohibit the sale to, purchase by, or possession of machineguns by designated law enforcement agencies or military departments of the state or the United States for use by members thereof in the discharge of their official duties.

This bill would include the California Highway Patrol and the Department of Justice, and peace officers employed by those agencies, among the law enforcement agencies and peace officers to which this exemption applies.

This bill would take effect immediately as an urgency statute.

Ch. 1361 (AB 377) Wright. Children's mental health

Existing law contains no comprehensive mental health services system for children with serious emotional disturbance.

The bill would enact the Children's Mental Health Services Act which would establish such a system, as prescribed, when funds are appropriated for the purpose. The bill would require the State Department of Mental Health to administer the act and authorize a qualifying county to participate in the program pursuant to certain requirements.

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

Ch. 1362 (AB 416) Mojonnier. Domestic violence: seizure of firearms.

Existing law provides that a sheriff, undersheriff, deputy sheriff, police officer of a city, or police officer member of a University of California Police Department, or member of a California State University Police Department, 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 is required to 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 and in accordance with specified procedures.

This bill would add marshals and deputy marshals to the list of peace officers authorized to take custody of firearms at the scene of an incident of domestic violence and make a related, conforming, change as to the sale and destruction of those firearms.

The bill would also provide for attorney's fees in civil actions and proceedings for the return of firearms or ammunition seized by a state or local law enforcement agency and not returned within 72 hours.

This bill would impose a state-mandated local program by imposing new duties on local officials with respect to the seizure of weapons in domestic violence cases.

The California Constitution requires 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 incorporate additional changes in Section 12028.5 of the Penal Code, proposed by AB 798, to be operative only if both bills are chaptered and this bill is chaptered last.

Ch. 1363 (AB 426) Calderon. Immigration consultants, employers: tax liability.

Existing law imposes misdemeanor penalties for a violation of regulatory provisions concerning immigration consultants, punishable by a fine of not less than $500 or more than $2,000, or imprisonment for not more than one year, or by both fine and imprisonment.

This bill would (1) change the financial penalty to a fine of not less than $1,000 or more than $2,000, as to each client with respect to whom a violation occurs, (2) would require that payment of restitution to a client take precedence over payment of a fine, and (3) would make a second or subsequent violation punishable by imprisonment in state prison.

Under existing law, employers are subject to various penalties for failure to withhold and report employee wages pursuant to the Personal Income Tax Law and for failure to collect and pay employer and employee contributions pursuant to the Unemployment Insurance Law.

This bill would provide that any employer or agent of an employer who provides a wage statement or similar document to any undocumented worker or former undocumented worker at that person's request for the purpose of documenting that person's eligibility for naturalization pursuant to the federal Immigration Reform and Control Act, shall not be liable for any penalty or criminal or civil violation under the Personal Income Tax Law or the Unemployment Insurance Law relative to any undocumented worker or former undocumented worker based on any facts disclosed in the wage statement or similar document so provided.

This bill would not apply to specified situations.

This bill would limit the application of immunity under the above provisions to facts disclosed between certain dates determined as specified, and would continue the immunity from liability until the cause of action is tolled by the applicable statute of limitations.

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

This bill would declare that it is to take effect immediately as an urgency statute

Ch 1364 (AB 579) Stirling. Limited partnerships.

Existing law, the California Revised Limited Partnership Act, delineates the manner of the formation of, and the rules governing, limited partnerships.

This bill would revise specified provisions of that act, including authorizing, notwithstanding the filing of a certificate of dissolution, general partners to cause the filing of a certificate of continuation, authorizing a partner to petition the superior court to direct the execution or filing of a required certificate, defining the term "transact intrastate business," providing for the variation of the effect of provisions of the act by a partnership agreement, and providing that a limited partnership agreement may provide that the interest of a partnership may be evidenced by a certificate of interest issued by the partnership, as specified. It also would revise provisions relating to, among other things, the names of limited partnerships, their offices, liability of limited partners, and contents of certificates of limited partnerships and certificates of dissolution of limited partnerships It also would provide that a class action on behalf of all or a class of limited partners to enforce any claim common to those limited partners shall be governed by the law governing class actions generally, except as specified, and would specify that such a class action may be brought by any limited partner of a foreign or domestic limited partnership It also would enact provisions relating to requirements applicable to existing limited partnerships and authorize the adoption of new forms of certificates by the Secretary of State.

Ch 1365 (AB 585) Sher Consumer affairs: locksmiths: repossessors.

(1) Existing law provides for the certification and regulation of locksmiths, as specified

This bill would exempt from the application of those provisions any person licensed or registered under the Repossessors Act, the Private Investigator Act, or the Alarm Company Act, if the duties of that person's position which constitute locksmithing are ancillary to the primary duties and functions of that person's position

(2) Existing law provides that if a vehicle is repossessed, personal property within shall be removed, a complete and accurate inventory shall be made, and the personal property shall be stored, as specified Existing law further provides that the date and time the inventory is made shall be indicated and shall be signed by the repossession agency employee who recovered the personal property on behalf of the legal owner or mortgagee

This bill would provide that the date and time of the inventory shall be indicated and signed by the repossession agency employee who performs the inventory.

Ch. 1366 (AB 645) Costa. Water resources. Hetch Hetchy Reservoir.

Under existing law, the Department of Water Resources is authorized to conduct specified surveys and investigations concerning the water resources of the state.

This bill would require the department to conduct a study to assess the economic and environmental impacts of the removal of O'Shaughnessy Dam on the Tuolumne River or the modification of operational measures for Hetch Hetchy Reservoir to determine potential water quality benefits of increasing fresh water flows to the Sacramento-San Joaquin Delta and San Francisco Bay. The bill would specify related matters and would require the department to report its findings to the Governor and the Legislature not later than December 31, 1989

Ch 1367 (AB 770) M. Waters Crimes controlled substance offenses· solicitation

Existing law imposes specified criminal penalties for soliciting the commission of certain offenses.

This bill would specify that the person must have the intent that the crime be committed as a condition of being convicted of soliciting for the commission of those offenses.

This bill would specify that every person who, with the intent that the crime be committed, solicits another to transport, import into this state, sell, furnish, administer,

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

or give away, or offer or attempt to perform certain of those acts with respect to specified controlled substances, or to manufacture, compound, convert, produce, derive, process, or prepare any controlled substance, shall be punished by imprisonment in the county jail for a period not exceeding six months. Persons with prior solicitation convictions would be punished by imprisonment in the county jail for not more than one year or in state prison. This bill would provide that the terms of imprisonment for persons who solicit another to commit the above-described controlled substances offenses, and for persons with prior solicitation convictions, shall not apply where a term of imprisonment under any other provisions of law would result in a longer term of imprisonment. The bill would specify that these offenses shall be proven by the testimony of one witness and corroborating circumstances. This bill would also make special narcotic diversion proceedings in existing law applicable to these controlled substance solicitation crimes, as specified. This bill would impose a state-mandated local program by creating a new crime.

The bill also would incorporate additional changes to Section 653f of the Penal Code proposed by SB 736, to be operative only if SB 736 and this bill are both chaptered and become effective January 1, 1988, 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.

The bill would also declare that it is to take effect immediately, as an urgency statute.

Ch 1368 (AB 782) Tucker. Physicians and surgeons.

Existing law provides for the licensure and regulation of applicants for licensure as physicians and surgeons who are graduates of medical schools outside the United States or Canada.

This bill would permit the Division of Licensing of the Board of Medical Quality Assurance to require an applicant for licensure to successfully complete additional education and training to meet existing licensure requirements relating to medical training and clinical instruction.

Existing law requires each application for a physician's and surgeon's certificate to contain specific information and documents, including, among other things, (1) a diploma issued by an approved medical school, (2) an official transcript or other official evidence showing each medical school where professional instruction was pursued, as specified, and (3) other information concerning the professional instruction and preliminary education of the applicant as may be required. Existing law exempts from (1), (2), and (3) above, an application based upon a diplomate certificate issued by the National Board of Medical Examiners

This bill would delete that exemption.

Ch 1369 (AB 946) Sher. Importation of tires.

Existing law does not contain provisions regulating the importation of used tires into this state

This bill would prohibit used tires imported into the United States from being imported into this state, for purposes of sale, resale, or disposal, unless they have been inspected and certified as free from mosquitos in any stage of development by the State Department of Health Services or its designee.

The bill would specify, however, that these inspection requirements need not be met if the tires have been certified in another state as free from mosquitos by persons meeting federal qualifications, and if the department determines that the certification is adequate.

The bill would require the State Department of Health Services to administer the program, but would authorize delegation of its duties to state or local agencies.

The bill would specify that inspections by the department or those designated by the department to conduct the inspections, shall be conducted using standard sampling procedures.

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

The bill would require the department to charge and collect a fee for each certificate in an amount reasonably necessary to produce sufficient revenue to effectively implement the bill.

The bill would set an interim fee of 30¢ per tire or casing, which shall be in effect until a fee is adopted by the department, and would prohibit the initial fee set by the department from exceeding that amount. Fees established under the bill would be annually adjusted pursuant to a formula used for the increase of various types of fees which is contained in existing provisions of law.

Existing law establishes the Mosquitoborne Disease Surveillance Account in the General Fund, the moneys in which are available, when appropriated by the Legislature, to support mosquitoborne disease field and laboratory surveillance activities.

The bill would require the department to deposit all funds received under the bill into this account, with these moneys to be available, when appropriated by the Legislature, to implement the bill.

The bill would require the department to adopt emergency regulations in order to implement the bill.

The bill would make it a misdemeanor to violate the provisions of the bill, thus imposing additional costs on local law enforcement agencies, and thereby constituting a state-mandated local program.

The bill would permit the Director of Finance to authorize the State Department of Health Services to borrow up to $215,000 in order to implement the bill.

The bill would make its enforcement provisions inoperative if the department determines that the federal government has established and is implementing a program which is at least as effective in ensuring that used tires imported into the United States and imported into this state are free of mosquitos as are the importation requirements established by this bill.

The bill would appropriate $215,000 from the Mosquitoborne Disease Surveillance Account to the department in order to implement the bill

This bill would, in addition, incorporate amendments to Section 113 of the Health and Safety Code contained in AB 550, to be operative only if AB 550 and this bill become operative and effective on January 1, 1988, 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. 1370 (AB 1093) Felando. Bait fish

(1) Existing law permits bait nets, as defined, to be used in District 19A only to take specified species for bait only. Existing law also prohibits any other species from being taken on any boat carrying a bait net in District 19A

This bill would exempt from the prohibition, until July 1, 1991, loads or lots of fish containing not more than 18% by weight of other bait fish species taken incidentally to other fishing operations which are mixed with other fish in the load or lot

(2) Under existing law, operative until July 1, 1989, 150 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 increase the quantity of sardines that may be taken or possessed for those purposes to 350 tons per calendar year and would extend the operation of these provisions to July 1, 1991.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1371 (AB 1178) Floyd. Peace officers.

Under existing law, specified persons are peace officers while engaged in the performance of their duties, as specified.

This bill would provide that security officers of the Department of Justice are peace officers but are state miscellaneous members, rather than state peace officer/firefighter members, of the Public Employees' Retirement System for all purposes.

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

The bill would also incorporate changes in Section 830.4 of the Penal Code which would be made by Chapter 150 of the Statutes of 1987

Ch. 1372 (AB 1413) Cortese. Underground tanks: hazardous substances.

(1) Existing law requires local agencies to inspect every underground storage tank containing hazardous substances within its jurisdiction at least once every 3 years to determine whether the tank complies with specified design and construction standards, whether the tank has been properly monitored and tested, and whether the tank is in safe operating condition Alternatively, the local agency may require the tank permitholder to employ special inspectors to make these determinations. Existing law requires that owners and operators of underground storage tanks conduct precision tests under specified conditions, including before placing an underground storage tank into service

This bill would replace those requirements with requirements that "tank integrity tests," as defined, be conducted. The bill would require that all tank integrity tests conducted on and after January 1, 1989, be performed only by a tank tester, as defined, licensed by the State Water Resources Control Board and would impose a state-mandated local program by providing that any unlicensed person who engages in tank integrity testing would be guilty of a misdemeanor.

The bill would require persons applying for a license to the board to pass an examination and to pay a fee pursuant to the fee schedule which the board would be required to adopt The board would be required to adopt emergency regulations necessary to implement tank tester licensing, and the bill would exempt these regulations from repeal by the Office of Administrative Law.

The bill would subject a tank tester to civil liability for taking specified actions, which would be imposed by the board in an administrative action in an amount of up to $500 per day or by the superior court, at the request of the board, in an amount of up to $2,500 per day This bill would require any fees or civil liability collected to be deposited in the Underground Storage Tank Tester Account, which this bill would create in the General Fund The money in the account would be available for expenditure by the board, upon appropriation by the Legislature, to implement the tank tester licensing program and to repay the loan specified in (4) below

The bill also would make conforming changes

(2) Existing law requires persons storing hazardous substances in underground containers to file specified information with the board.

This bill would repeal this requirement

(3) The bill would incorporate additional changes to Section 25281 of the Health and Safety Code proposed by SB 921 to be operative only if SB 921 and this bill are both enacted and become effective on or before January 1, 1988, 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.

(5) The bill would authorize the Director of Finance to loan up to $350,000 to the board, thereby making an appropriation

Ch. 1373 (AB 1510) Vasconcellos. Childbirth midwifery

(1) Existing law provides for the licensing and regulation of certified nurse midwives who assist in the birthing process The law does not provide for the licensing and regulation of lay midwives

This bill would make a statement of legislative findings and declarations relating to midwifery and childbirth

(2) The bill would also require the State Department of Health Services to develop a plan, by July 1, 1988, in conjunction with specified organizations, to identify the causes of infant mortality and morbidity, to study recommendations for their reduction

The bill would require the department to report to the Legislature on causal factors in infant mortality and morbidity, not later than July 1, 1989

The bill would specify that the provisions relating to the plan and report required to

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

be developed by the department shall remain in effect only until July 1, 1989, and as of that date are repealed, unless a later enacted statute which is chaptered prior to July 1, 1989, deletes or extends that date

(3) Under existing law, the administrator of a hospital, or his or her designated representative, is responsible, in all cases of live birth in the hospital, for registering the certificate of birth with the local registrar.

This bill would also permit the hospital administrator, or his or her designated representative, to sign the birth certificate certifying the fact of birth, instead of the attending physician, certified nurse midwife, or the principal attendant, if the physician or attendant are unavailable to sign the certificate.

(4) Existing law requires, among other things, that a certificate of live birth include the age of the mother and father at the time the child is born.

This bill would specify that the certificate shall include the month, day, and year of birth of the father and mother.

(5) Under existing law, a certificate of live birth is required to contain the month when prenatal care began.

This bill would, in addition, require the certificate to contain the number of prenatal visits

(6) The bill would also require certificates of live birth to contain the educational level of the mother and father.

(7) Existing law requires a certificate of live birth to contain the place of the child's birth.

This bill would also require the certificate to contain the planned place of birth.

(8) Existing law provides that whenever an objection is made by either parent to the furnishing of information as to the race and ethnicity of the mother and father or the mother's and father's occupations and kind of business and industry for the confidential portion of a certificate of live birth, this information shall not be required to be entered on that portion of the certificate of live birth.

This bill would also preclude placement of information as to the educational level of the mother and father on the confidential portion of the birth certificate when an objection is made by either parent.

(9) Existing law requires the use of a worksheet to answer questions relating to concurrent illnesses of the mother and child, as well as delivery complications and injuries at birth. Information on this worksheet is transferred to the birth certificate, but only after its contents have been explained to the mother.

This bill would instead specify that the information shall be transferred to the birth certificate only after it has been explained to the parent or other informant.

(10) Existing law contains other requirements which must be met if specified problems occur, such as inability to identify the father of the child, the death of the fetus at birth, or the death of the infant or his or her mother prior to the signing of the certificate by the physician.

This bill would repeal these requirements.

(11) The bill would specify that its provisions relating to certificates of live birth apply only to babies born on or after January 1, 1989.

(12) Existing law establishes the Medi-Cal program, which provides various health care services to qualified low-income persons, including nurse midwifery services, subject to utilization controls.

This bill would specifically include certified nurse midwife in the definition of a comprehensive perinatal provider under the Medi-Cal program.

(13) Since failure to provide information for the provision of false information in connection with certificates of live birth is a misdemeanor, the bill would impose law enforcement duties upon state agencies, thereby constituting 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

---

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

reason.

This bill would incorporate additional changes in Section 14134.5 of the Welfare and Institutions Code, proposed by AB 351, to be operative only if AB 351 and this bill are both chaptered and become effective January 1, 1988 and this bill is chaptered last.

Ch 1374 (AB 1723) Katz. Hazardous waste: land treatment units.

(1) Existing law requires persons discharging hazardous waste in surface impoundments to comply with specified requirements concerning the location and equipment of the surface impoundment.

This bill would prohibit any person from discharging hazardous waste into a new land treatment unit at a new or existing facility, any land treatment unit which replaces an existing land treatment unit, or any laterally expanded portion of an existing land treatment unit that has not been equipped with liners, a leachate collection and removal system, and a groundwater monitoring system, as specified. The bill would authorize the State Department of Health Services to grant a variance from this prohibition under specified circumstances and to renew the variance, for a period not to exceed 3 years, as specified. The bill would also impose requirements on owners or operators of land treatment units, generally.

The bill would require each owner or operator of a land treatment unit to pay a specified fee to 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, since a violation of the bill's prohibitions would be a crime pursuant to other provisions of law.

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

Ch 1375 (AB 2540) Leonard. Administrative Procedure Act

(1) Existing law establishes the Office of Administrative Law charged with the orderly review of adopted regulations in order to reduce the number of administrative regulations and improve the quality of those regulations which are adopted. The office is required to provide for the publication of the California Administrative Code and the California Administrative Code Supplement.

Existing law requires every state agency to transmit to the office for filing with the Secretary of State a certified copy of every regulation adopted.

This bill would rename the publications the California Code of Regulations and the California Regulatory Code Supplement and would also require certification and transmittal of amended regulations and would require that certification be made in writing, by the head of the department or agency or his or her designee.

(2) Existing law requires the office to provide for the publication of the California Administrative Notice Register which is required to include specified information. Existing law also requires the office to make the notice register available to the public and state agencies for a nominal cost.

This bill would rename that publication the California Regulatory Notice Register.

(3) Under existing law, a state agency need not certify and file a regulation with the Secretary of State if it makes a finding that its adoption or repeal is an emergency, as defined.

This bill would require that if a certification is not submitted on an emergency repeal, the legislation as it existed prior to that emergency would thereupon become effective.

(4) Under existing law, a state agency is required to state specified information in the notice of proposed action.

This bill would require that the notice of proposed action also include a statement that no alternative considered by the agency would be more effective or less burdensome to affected private persons.

(5) Under existing law, if a public hearing is held on a regulation or proposed action to a regulation, the agency may continue or postpone that hearing. Existing law prohibits a state agency from making a change to a regulation from that which was originally made

---

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

available to the public, except under specified circumstances. If a sufficiently related change is made, it is required to be made available to the public 15 days before the agency adopts, amends, or repeals the regulation

This bill would require that the agency provide adequate notice to the public as to when a postponed hearing would be resumed.

(6) Under existing law, the office is required to make a determination as to whether an agency guideline, criterion, bulletin, manual, instruction, order, or standard of general application, or other rule is a regulation and make specified disclosures regarding its determination.

This bill would authorize any interested person to obtain a judicial review of a given determination by filing a written petition so requesting.

(7) Under existing law, the office is required to approve or disapprove a regulation within 30 days.

This bill would require the office to return a rulemaking file to the submitting agency which does not comply with specified provisions and, within 3 state working days after receipt of the file, notify and allow the adopting agency to correct any deficiency identified.

(8) Existing law provides for the rewriting and resubmittal of an agency regulation disapproved by the office, to be submitted within 120 days of the written decision by the office. The director is authorized to grant an extension to the 120-day period, upon a showing of good cause.

This bill would prohibit authorization of that extension after 120 days from the expiration of the one-year notice period. The bill would prescribe the contents of a resubmitted regulation

(9) Existing law requires every agency to undertake a review of all regulations administered by it as of June 30, 1980, in accordance with specified procedures and specifications

This bill would repeal those procedures and specifications regarding agency review

(10) Existing law requires review of specified titles of the California Administrative Code to be completed by specified dates

This bill would repeal those provisions

(11) The bill would make other technical and conforming changes

Ch 1376 (SB 435) Watson. Teacher assignments and credentials.

(1) Existing law authorizes governing boards of school districts to determine the authorization of a teaching assignment, as specified, and to prepare appropriate forms and data collection instruments monitoring these assignment authorizations, as specified, and to audit, sample, or otherwise verify conformity of assignment practices, as specified.

This bill would delete this authority

(2) Existing law requires the Commission on Teacher Credentialing to complete a statewide study relating to the misassignment of credentialed personnel The commission is required to report its findings and recommendations, as specified, in a report to the Legislature on or before February 1, 1987. The commission is also required to adopt regulations pursuant to legislation recommended by the commission in its report, and enacted after January 1, 1988, no later than 60 days after the effective date of the recommended legislation

This bill would delete these requirements

The commission is authorized under existing law to issue a limited assignment authorization to a permanent employee to teach, with his or her consent, any single subject class if the teacher meets specified qualifications, and if approved by resolution of the governing board of the school district, as specified

Existing law requires school districts to select and report the name of the certificated employee responsible for implementing workshops regarding proper assignment of teachers

Existing law provides that the provisions as summarized in this paragraph remain in effect until June 30, 1988, and as of that date are repealed, unless a later enacted statute deletes or extends that date

---

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

This bill would extend the operation of these provisions until June 30, 1991, and would repeal them on that date, unless a later enacted statute deletes or extends it. By extending the repeal date of these requirements, this bill would impose a state-mandated local program. This bill would revise the qualifications of teachers who may be issued a limited assignment to include persons who hold a standard secondary teaching credential rather than a standard teaching credential.

(3) Existing law specifies the permissible assignment of teachers, depending upon the type of credential or certificate issued by the Commission on Teacher Credentialing

This bill would establish procedures to permit teachers with special skills to teach outside of their credential authorization areas, upon the approval of a local committee on assignments, with prescribed membership and duties. School districts making these assignments would be required to submit an assignments plan to the county superintendent of schools. The commission would be authorized to develop criteria and recommendations for use by local commmittees on assignment.

This bill would require assignment monitoring and reviews on various aspects of the assignment process

This bill would require, commencing July 1, 1989, that any certificated person who has been required by an administrative superior to accept an assignment for which the certificated person has no legal authorization, after exhausting any local remedies, to file a written notification with the county superintendent of schools, as specified. The bill would require the county superintendent of schools to advise the person of the legality of the assignment within 15 working days.

Existing law provides that no warrant, or order for a warrant, shall be drawn in favor of any person employed by a school district in a position requiring certification, unless the person is at the time a holder of a proper certification document, as specified.

This bill would exempt misassigned employees from this requirement, and would prohibit adverse action against the misassigned employees, as specified

This bill would require that, commencing July 1, 1989, the county superintendent of schools notify any certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment, and advise him or her to correct the misassignment within 30 calendar days. The bill would also require, with regard to school districts in which 5% or more of the certificated employees are found to be misassigned, that the county superintendent of schools notify the superintendent of the district of that fact, and advise the school district superintendent to correct the misassignments within 120 days

This bill would require that the county superintendent notify the commission if the misassignment has not been corrected, or if a written explanation has not been provided, within 30 days, and again, within 120 days, as specified.

These provisions would constitute a state-mandated local program.

This bill would require the Commission on Teacher Credentialing to establish reasonable sanctions for the misassignment of credentialholders

This bill would provide that it is the intent of the Legislature that the Commission on Teacher Credentialing engage in activities designed to inform specified persons of the regulations and statutes affecting the assignment of certificated personnel.

(4) Existing law provides for the issuance of standard secondary credentials, single subject credentials, credentials authorizing instruction in a self-contained classroom, multiple subject instruction credentials, and professional administrative credentials

This bill would provide that a person with specified teaching experience prior to September 1, 1987, who holds a standard secondary credential may receive a supplementary authorization under enumerated conditions It would also provide that a person with specified teaching experience who holds a credential authorizing instruction in a self-contained classroom may teach in grades 5 to 8, inclusive, in a middle school, under enumerated conditions. Under specified conditions, the bill would also authorize a person who holds a teaching credential in a subject or subjects other than physical education, to coach one period per day in a competitive sport for which pupils receive physical education credit. This bill would authorize the holder of a single subject or standard teaching credential to be assigned with his or her consent to teach in grades

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

5 to 8, inclusive, in a middle school, if specified conditions are met This bill would revise the authorization for teaching below grade 9 under a multiple subject instruction credential to require 12, rather than 8, semester units and to require 6, rather than 4, upper division or graduate units, as specified. This bill would require, commencing July 1, 1989, that each applicant for a professional administrative service credential demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.

(5) Existing law requires that each city or district superintendent of schools shall make an annual report of the schools under his or her jurisdiction to the county superintendent of schools, including an affidavit that all certificated employees are properly certificated for the work performed.

This bill would, instead, require that commencing July 1, 1988, each district submit a signed affidavit to the county superintendent of schools attesting to the legality of all certificated employee assignments for the current school year.

(6) Existing law establishes provisions for computing the average daily attendance of pupils for the purposes of work experience education programs. Existing law requires that in computing average daily attendances there shall be included activities required of pupils under the immediate supervision or control of an employee of the district who possesses a valid certification document, registered as required by law, authorizing him or her to render service in the capacity and during the period in which he or she served.

This bill would delete the requirement that the certification document authorize the employee to render service in the capacity and during the period in which he or she served

This bill would provide that the above provisions shall not become effective if SB 148, SB 1677, or AB 2619 is chaptered and becomes effective on or before January 1, 1988, and contains provisions on teacher credentialing

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1377 (SB 449) Kopp. Community college construction. furnishings and equipment

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 include, as purposes for which funding is authorized under the Community College Construction Act of 1980, the initial furnishing of, and initial acquisition of equipment for, facilities leased or lease-purchased by a district as of August 1, 1987, for any educational purpose or purposes This authorization would constitute an appropriation.

This bill would incorporate additional changes in Section 81802 of the Education Code, proposed by AB 1126, to be operative only if AB 1126 and this bill are both chaptered and become effective on or before January 1, 1988 and this bill is chaptered last These changes would become operative on the operative date of AB 1126

This bill would declare that it is to take effect immediately as an urgency statute

Ch 1378 (SB 571) Nielsen. Shasta Dam Area Public Utility District: property tax liability. subdivisions parcel assessments.

(1) Existing property tax law precludes the separate valuation by the assessor of any parcel covered by a subdivision map filed for record, with certain exceptions, and precludes the making of a separate valuation dividing any piece of property separately assessed in the original assessment into more than 4 parcels

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

This bill would permit the county assessor, auditor, and tax collector, upon authorization from the board of supervisors of a county which owns the bonds for special assessment liens covering nonresidential subdivisions, to prorate the amounts for past due taxes and assessment liens, plus any interest and penalties that may have accrued thereon, among the various parcels in the subdivision. It would then permit the tax collector to enter into an installment payment agreement with respect to the pending subdivision map.

(2) Existing provisions of the Subdivision Map Act require a subdivider, prior to filing a final map or parcel map with the legislative body, to file with the county recorder of the county in which any part of the subdivision is located, a certificate from the official computing redemptions in any public agency in which any part of the subdivision is located, showing that, according to the records of that office, there are no liens against the subdivision or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes which are due and payable.

This bill would provide that upon the entry of the tax collector into the installment payment agreement referred to in paragraph (1) above, the agreement shall be deemed the equivalent of a certificate regarding the current payment status of taxes and special assessments relating to the subdivision or any part thereof for purposes of permitting the filing of the final map and would require that the agreement be recorded together with the final map. It would also provide that the past due taxes, assessment liens, and the special assessment lien shall not be discharged of record by the agreement, but shall be prorated among the parcels created by the final map.

(3) Under existing law, specified property is exempt from property tax upon the filing of a claim for exemption.

This bill would provide for the cancellation, as specified, of back property taxes, penalties, and costs levied or charged on certain annexed property of the Shasta Dam Area Public Utility District through an administrative oversight if (1) the annexation of the property was approved, as specified, and (2) the statement and map or plat required to be filed with the State Board of Equalization in connection with a change in the boundaries of a district was filed on or before a specified date with respect to the annexation of the property to the district.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1379 (SB 582) Morgan. Crimes: probation report.

Under existing law, before a judgment is pronounced in any case in which a person is convicted of a felony and is eligible for probation, a probation report is required to be prepared upon the circumstances surrounding the crime and the prior history and record of the person. This report is to be made available to the court and the prosecuting and defense attorneys at least 9 days prior to the time fixed by the court for the hearing and determination of the report

This bill would, instead, require that the report be made available to the court and the prosecuting and defense attorneys at least 5 days or, upon the request of the defendant or the prosecuting attorney, 9 days prior to the time fixed by the court for the hearing and determination of the report.

Existing law, with designated exceptions, provides that except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any person who has been convicted of designated criminal offenses, including, among other offenses, assault with intent to commit murder. Under existing law, there is no separate offense of assault with intent to commit murder.

This bill would delete this reference to the offense of assault with intent to commit murder.

This bill would incorporate additional changes in Section 1203 of the Penal Code, proposed by AB 2142, to be operative only if both bills are chaptered and become effective on or before January 1, 1988, and this bill is chaptered last

This bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 1380 (SB 847) Robbins. Judges' Retirement System: surviving children benefits.

The existing Judges' Retirement Law authorizes a judge, to elect, within 6 months of becoming a judge, to become subject to provisions providing survivor benefits to surviving children.

This bill would also authorize a judge to elect, within 6 months of accepting or acquiring a legal duty to support one or more eligible children, to become subject to those provisions. Such a judge would be required to pay all of the contributions he or she would have made for these benefits had he or she been covered as soon as originally eligible therefor.

Ch. 1381 (SB 916) McCorquodale State employees health benefits coverage.

Under existing law, upon permanent separation from state service, an employee, under specified conditions, who is a member of a state retirement system, supported, in whole or in part, by state funds, has the right to elect to leave any accumulated contributions on deposit in the retirement fund.

Under existing law, the Board of Administration of the Public Employee's Retirement System is required to contract with health benefits carriers for the provision of health benefits plans to state employees.

This bill would authorize any Member of the Legislature, elective officer of the state whose office is provided by the Constitution, or exempt employee, as defined, who has a minimum number of years of credited state service, who permanently separates from state service both on or after January 1, 1988, and within 10 years of attaining his or her minimum service retirement age, who retires more than 120 days after separation from employment, and who is receiving a retirement allowance, to enroll, upon retirement, in a health benefits plan, without discrimination as to premium rates or benefit coverage, upon assuming payment of any employee contributions at which time the state would be required to assume payment of the employer contributions.

This bill would authorize any Member of the Legislature, elective officer of the state whose office is provided by the Constitution, or exempt employee, as defined, who has a minimum number of years of credited state service, who permanently separates from state service both on or after January 1, 1988, and more than 10 years before he or she would attain his or her minimum service retirement age, but who elects pursuant to law to remain a member of the retirement system, also to elect to continue his or her coverage under the health benefits plan, without discrimination as to premium rates or benefit coverage, upon assuming payment of the employer contribution and any employee contribution, during the period of time he or she is not receiving a retirement allowance. Those persons would also be required to pay a specified administrative fee The bill would, upon the retirement of those persons, authorize those persons to elect to continue coverage under the health benefits plan without discrimination as to premium rate or benefit coverage, and thereupon require the state to resume payment of employer contributions under the health benefits plan.

Ch. 1382 (SB 1358) Royce. Physicians and surgeons.

Existing law provides for the licensing of foreign medical graduates who meet specified conditions

This bill would require the Board of Medical Quality Assurance to appoint a Faculty-in-Exile Committee to review the applications for licensure as a physician and surgeon of persons who attended the University of Saigon, Vietnam, Medical School to determine their eligibility for licensure and to make recommendations to the Division of Licensing of the board, as specified. The bill would require the division to accept the recommendation of the committee unless the division finds, after notice and opportunity for hearing, that the committee's recommendation is not based on substantial evidence. These provisions would remain in effect until January 1, 1992.

Ch. 1383 (SB 1473) Petris. Landlord and tenant: termination of government assistance.

Nothing in existing state law requires persons receiving federal financial assistance to

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

provide special notice to tenants or local governmental agencies prior to termination or prepayment of the governmental assistance.

This bill would require at least 6 months' advance notice, as specified, to tenants and to the city or county where certain forms of federal financial assistance are to be terminated or prepaid with respect to a multifamily rental housing development. This bill would permit the county or city legislative body to hold a noticed hearing thereon.

Ch. 1384 (SB 375) Watson. Mental health.

Existing law requires the State Director 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

This bill would authorize counties to contract with the office of public guardian to receive and manage income and benefits for mentally ill persons, and to perform other functions to meet the goals of the community support system, as specified. The bill, however, would require that the case management services be provided only with a client's consent

Under existing law, the public guardian is required to deposit all funds coming into his or her custody in the county treasury to be disbursed pursuant to county warrant or specified insured financial institutions to be disbursed on the order of the public guardian

This bill would authorize the public guardian to contract with counties to receive and manage income and benefits for mentally ill persons and to perform other specified duties and functions in relation to the contract under the county community support system program

The existing federal Medicaid program authorizes a state to provide as medical assistance, case management services, as defined.

This bill would, upon approval for federal financial assistance, include these case management services as a covered Medi-Cal benefit and require the State Department of Health Services to add these services as a covered benefit under the Short-Doyle/Medi-Cal program, as specified The bill would, upon approval for federal financial assistance, require the department, in consultation with the State Department of Mental Health, to define case management services, and establish standards and develop a rate of reimbursement for these services.

Ch 1385 (AB 1371) Bronzan Mental health

Existing law provides for health services for qualified low-income persons through the state Medi-Cal program, which is funded in part through federal grants under the federal Medicaid program, pursuant to federal approval of the state plan

This bill would require the State Department of Health Services to prepare an amendment to the state plan to provide for federal Medicaid reimbursement for case management services under the Short-Doyle program

The bill would also specify that targeted case management, as defined, is a covered Medi-Cal benefit, subject to utilization controls, for certain persons, and would make this contingent upon federal approval of the state Medicaid plan amendments

The bill would require the Director of Health Services to adopt emergency regulations for the implementation of the Medi-Cal program amendments

The bill would require the Secretary of the Health and Welfare Agency to develop recommendations to maximize opportunities for improved services to mentally disabled persons in California, and to provide information to the fiscal committees of both houses of the Legislature regarding those recommendations during the 1988–89 fiscal year budget process.

The bill would declare the intent of the Legislature with regard to the use of funds offset due to the receipt of federal funds received for case management services.

The bill would declare that it is to take effect immediately as an urgency statute.

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

Ch. 1386 (SB 227) B. Greene Employer· audits: workers' compensation.

Existing law requires the Insurance Commissioner to administer the insurance laws of this state.

This bill would require the commissioner, when advised by any state department or agency that an employer to whom an insurance policy has been issued has failed to report all the payroll of employees, or when the commissioner otherwise has determined that the employer may have failed to report the payroll of all employees for the purpose of computing workers' compensation insurance premiums, to require the appropriate rating organization or insurer to audit the employer's payroll and operations and require the appropriate insurer to collect any premiums unpaid because of the underreporting of payroll

The bill would require an employer audited at the request of another state agency which has issued a final determination that the employer violated a specific law enforced by that agency to pay the reasonable cost of the audit, as determined by the commissioner, and would require the Division of Labor Standards Enforcement in the Department of Industrial Relations and the Director of Employment Development to advise the Insurance Commissioner when a determination is made that an employer failed to report all the wages of its employees as required by law, and to request that an audit be ordered of the employer's payroll and operations It would also require the division to advise the Insurance Commissioner when a determination has been made that an employer violated provisions of law pertaining to obtaining a contractor's license and payment of the minimum wage and general prevailing rate and to request that an audit be ordered of the employer's payroll and operations.

This bill would require the commissioner to annually report to the Legislature the number of audits ordered, the types of businesses audited, and the amount of premiums collected

This bill would also declare that it not be construed to impose upon the Department of Insurance duties beyond those related to the enforcement of certain provisions pertaining to the rating of workers' compensation insurers

Ch. 1387 (SB 835) Watson Hysterectomies: informed consent

Existing law does not provide specific informed consent requirements which must be satisfied before a hysterectomy may be performed or preclude the performance of any hysterectomy until the expiration of a prescribed waiting period.

This bill would require physicians and surgeons to obtain verbal and written informed consent, as specified, prior to the performance of a hysterectomy This bill would permit the State Department of Health Services to develop regulations establishing verbal and written informed consent procedures that would be required to be obtained prior to the performance of a hysterectomy. The regulations would be required to indicate the medically accepted justification for the performance of a hysterectomy and the informed consent procedure would be required to ensure that at least specified information is given to the patient verbally and in writing.

This bill would require, except in prescribed life-threatening emergency situations, that the woman sign a prescribed statement prior to the performance of the hysterectomy, unless the patient has previously been sterile or is postmenopausal.

The bill would make the failure of a physician and surgeon to inform the patient by means of written consent, in layman's language and in a language understood by the patient of alternative efficacious methods of treatment which may be medically viable, when a hysterectomy is to be performed, unprofessional conduct within the meaning of the Medical Practice Act

Ch 1388 (SB 837) McCorquodale Cities, counties, and districts· local agency financing

(1) Existing law authorizes and prescribes 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 designated by the legislative body as "pledged revenue" for purposes of retiring the bonds Existing law requires that a

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

proposition for approval of the bonds be submitted to the voters of the local agency, and approved by ⅔ of the voters who voted on the proposition, and specifies the maximum rate of interest which could be paid on the bonds

This bill would make these provisions applicable to special districts, including school districts

(2) Existing law authorizes the Counties of Alameda, Los Angeles, and Orange to enter into contracts commonly known as "interest rate swap agreements" or "forward payment conversion agreements," as specified, until January 1, 1994, when it would be repealed

This bill would extend the termination date of the authorization to January 1, 1996, would make it applicable to any city, county, or city and county, and would require, to the extent the contracts include securities or bonds, that the bonds or securities meet a specified rating level

(3) Under existing law, a local agency is authorized to borrow money pursuant to certain requirements and procedures, with the indebtedness represented by a note or notes issued to a lender. Existing law authorizes the expenditure of money so borrowed for any purpose the local agency is authorized to expend moneys, including, but not limited to, specified categories

The bill would change this authorization to any purpose for which a local agency is authorized to use and expend moneys, and would specifically add investment and reinvestment to the list of authorized purposes.

(4) Existing law contains various improvement and assessment acts pursuant to which local governmental entities may levy assessments against real property and issue bonds, payable from the proceeds of those assessments, for the purpose of financing specified projects and improvements

This bill would, among other things, make procedural and administrative changes in the Improvement Act of 1911, the Improvement Bond Act of 1915, the Municipal Improvement Act of 1913, and the Parking and Business Improvement Area Law of 1979 The bill would impose additional duties upon specified local agency officers, thereby imposing a state-mandated local program.

With respect to the Landscape and Lighting Act of 1972, the bill would include the acquisition of land for park, recreational, or open-space purposes among the "improvements" which may be undertaken pursuant to that act

The bill would provide, in the Subdivision Map Act, that the final map or parcel map for a division of a parcel which is subject to a special assessment shall not be recorded until provision has been made for segregating responsibility of each of the proposed new parcels for a portion of the assessment payment obligation.

With respect to the Improvement Act of 1911, the bill would also provide an alternative procedure for authorizing assessments to finance any work which may be done pursuant to the act

With respect to the Improvement Bond Act of 1915, the bill would also revise the procedure for collecting assessments, advance retirement of bonds, refunding of bonds, and forclosure of assessed property

(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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

(6) The bill would incorporate additional changes in Section 66493 of the Government Code made by AB 1208 only if both bills are chaptered and this bill is chaptered last

---

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

Ch. 1389 (SB 906) Lockyer Child support

Existing law provides that a court may order either or both parents to pay child support in any amount necessary, subject to established minimum amounts, for the support, maintenance, and education of the child Existing law also provides that where a parent is ordered to pay child support, the court may, and in certain instances is required to, order the parent required to pay support to assign a portion of his or her salary or wages in order to make those payments.

This bill would additionally provide a procedure which would require a court in any proceeding where a court has ordered either or both parents to pay child support, upon a petition signed under penalty of perjury by the person or county officer to whom support has been ordered to be paid that the parent or parents so ordered is in arrears in payment in a sum equal to the amount of 60 days of payments, to require the parent or parents to deposit with the district attorney, other county officer, or trustee designated by the court assets to secure future support payments The bill would further provide that if payments continue in the arrears, the district attorney, county officer, or trustee designated by the court shall, with notice, use the money or sell the assets, as specified, for an amount sufficient to pay the amount ordered by the court for the support, maintenance, and education of the child. In lieu of depositing assets, the parent could, with court approval, provide a performance bond, as specified The bill would set forth the circumstances under which the court would be required to make the above-described order, and would provide for the recordation of the order.

The bill would also set forth a procedure requiring the district attorney, county officer, or trustee designated by the court to return all assets subject to the court order when 1 year has elapsed since the court issued the order and when the obligor-parent or parents have made all support payments on time during that 1-year period It would also require the district attorney, county officer or trustee, if requested by the obligor-parent, to prepare a statement setting forth disbursements and receipts, and it would provide a procedure requiring the obligor-parent or parents to pay costs and fees incurred under the bill

To the extent that the bill would require district attorneys or other court-designated county officers to monitor assets and disburse funds for payment of child support, it would create a state-mandated local program Furthermore, because the bill would include the falsification of a petition filed with the court under the bill within the crime of perjury, it would create a new crime, 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. 1390 (SB 914) Robbins. Insurance.

(1) Under existing law, whenever an insurer endorses, rejects, declines, cancels, or surrenders certain policies of insurance, or cancels certain other policies of insurance, the unearned premium is required to be tendered to the insured or person entitled thereto, or the insurer's agent for transmittal within 30 days after the cessation or amendment of coverage due to endorsement, cancellation, rejection, surrender, or rescission.

This bill would decrease the time to 25 days when that unearned premium is required to be tendered, and require the insurer's agent to tender this premium to the insured or to the person entitled to the premium within 15 days after the agent receives the premium. The bill would provide that an agent or broker shall only be liable for the payment of interest after 15 days from the date the agent or broker received the funds for the amount of the unearned premium from the insurer, or from the date the agent or broker has received notification from the insurer that a credit or payment for the amount of the unearned premium has been applied to an agent's or broker's account The bill would provide that the tender of any unearned premium to the insured shall be deemed complete upon the deposit of the unearned premium in the United States mail, as specified

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

(2) Existing law defines the term "policy," with respect to cancellation or failure to renew certain contracts of vehicle insurance, to mean an automobile liability, automobile physical damage, or automobile collision policy or any combination thereof for various specified types of vehicles, including any four-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured, except under prescribed conditions.

This bill would revise this definition of "policy" to delete the condition that such vehicle not be used in the occupation, profession, or business of the insured.

(3) The bill would also incorporate additional changes in Section 481.5 of the Insurance Code proposed by SB 363, to be operative only if SB 363 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 1391 (SB 942) Seymour. Acquired immune deficiency syndrome.

Existing law prohibits, with specified exceptions, the disclosure of results of blood tests for reactivity to the probable causative agent of AIDS without the written consent of the test subject, and imposes civil liability and criminal sanctions for violations of those requirements

This bill would specify that nothing in these provisions shall impose civil liability or criminal sanctions either for disclosure of the results of tests performed on cadavers to public health authorities or tissue banks, or for disclosure of test results to a public health officer when the disclosure is necessary to locate and notify a blood donor of a reactive result if reasonable efforts by the blood bank or plasma center to locate the donor have failed It would require that, upon completion of the public health officer's efforts to locate and notify a blood donor of a reactive result, prescribed records be expunged by the public health officer

Existing law requires that, with specified exceptions, written consent by an individual is required in order to perform a blood test on that individual for reactivity to the probable causative agent of AIDS

This bill would specify that this requirement shall not preclude a medical examiner or other physician from ordering or performing a blood test to detect antibodies to the probable causative agent of AIDS on a cadaver when an autopsy is performed or body parts are donated pursuant to specified provisions

The bill would also specify that the requirements for obtaining consent for blood tests do not apply when blood is tested as part of a scientific investigation conducted either by medical researchers or by the State Department of Health Services, as long as test results are unable to be linked to the identity of the test subject, or in the conduct of a medical examination required to be performed to establish the medical acceptability of a body part donated under specified provisions of law.

Ch 1392 (SB 961) Hart. State Air Resources Board: Department of Consumer Affairs: vehicle inspections.

Under existing law, the executive officer of the State Air Resources Board or a representative of the executive officer has a right of entry on the premises of any new or used car dealer to inspect any new vehicle for compliance with the emissions standards applicable to that vehicle

This bill would extend that right of entry to permit the inspection of any vehicle for compliance with applicable emissions standards. If the executive officer or representative finds a used motor vehicle that fails to comply with applicable emissions standards or equipment, the bill would require the dealer to be issued a notice to correct and the vehicle marked "not for sale," as specified, until proof of correction, as specified, is transmitted to the state board. The bill would specify that civil penalties may be imposed for the sale of any vehicle prohibited to be sold under these provisions. The bill would define "tampering" and "disabling," and would make civil penalties applicable to the tampering with or disabling of specified vehicle equipment and also where notices to correct are issued to more than 20% of a dealer's vehicles in each of 3 inspections conducted at least 30 days apart during any one-year period, as specified. The bill would require the executive officer or representative to notify the Department of Consumer Affairs whenever the inspection reveals that a certificate of compliance or noncompli-

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

ance was issued to a vehicle that fails to comply with applicable standards or equipment or any other suspected violation.

The bill would specify that it provides the exclusive authority for inspections of motor vehicles for these purposes.

The bill would specify that no civil penalty may be imposed, or administrative action taken to revoke a dealer's license, for any violation of the bill occurring between January 1, 1988, and March 31, 1988

Ch. 1393 (SB 1008) Doolittle Blood: donations

(1) Existing law provides that no person shall prohibit a parent from donating blood to be used directly for that person's child when prescribed by a physician and surgeon, and from directing that blood donated by the parents be used in any blood transfusion to that person's child if the blood type is compatible with the child's blood type and the use of the blood is not contraindicated, as determined by a physician and surgeon

Existing law also authorizes the blood donated under these requirements to be used for other persons under certain circumstances

This bill would instead provide that no person shall prohibit an individual from donating blood to be used directly for an individual specified by the donor when prescribed by a physician and surgeon, and from directing that blood donated by the donor be used in any blood transfusion to the individual specified by the donor if the blood type is compatible with the blood type of the individual specified by the donor, and the use of the blood, or the drawing of the blood, is not contraindicated as determined by a physician and surgeon.

The bill would also allow the blood donated under the bill to be used for other individuals under the circumstances provided for under existing law

The bill would also require, whenever a donor unit of blood or blood product is designated for use by the donor, even if subsequently released for use by a person other than the designee, that the costs incurred by the blood bank, limited to the actual technical and administrative costs of drawing, storing, and designating the blood, be charged to the designee

This bill would impose a state-mandated local program since any violation would constitute 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.

Ch. 1394 (SB 1052) Seymour. Crimes· vagrancy child molestation· child pornography

Existing law provides that every person who annoys or molests any child under the age of 18 years is a vagrant and is punishable by a fine not exceeding $1,000 or by imprisonment in the county jail for not exceeding one year, or both, or in certain cases by imprisonment in state prison A second or subsequent violation of that provision and any violation of that provision after a previous conviction for lewd or lascivious acts with a child under the age of 14 years is punishable by imprisonment in the state prison for 16 months or, 2, or 3 years.

This bill would provide for imprisonment in the state prison for 2, 4, or 6 years for a violation of that provision of existing law if a person has previously received a felony conviction under that provision, a conviction of committing lewd or lascivious acts with a child under the age of 14 years, or a felony conviction of specified provisions of current law relating to employing a minor under age 14 years for the purpose of performing certain prohibited acts.

Existing law provides that, under specified circumstances, every person who employs or permits a minor under the age of 17 years to pose for specified purposes involving sexual conduct is guilty of a felony

This bill would provide that the age of the victim must be pled and proven in every prosecution under that provision involving a minor under the age of 14 years for the

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

purposes of the enhancement provision that would be added by this bill.

This bill would incorporate additional changes in Section 647a of the Penal Code, proposed by AB 1359 or AB 2441, or both, to become operative only if AB 1359 or AB 2441, or both, and this bill are chaptered and become effective on or before January 1, 1987, and this bill is chaptered last.

Ch 1395 (SB 1131) McCorquodale. Teachers' Retirement Board· service-compensation-reimbursements.

An existing provision of the State Teachers' Retirement Law prohibits the reduction of the compensation of members of the State Teachers' Retirement System who are appointed to the Teachers' Retirement Board or a committee, subcommittee, or panel thereof for absences to serve thereon and requires reimbursement from the Teachers' Retirement Fund of a school district for the costs of employing a replacement during that service.

The bill would extend the reimbursement requirement to any employing agency

Ch 1396 (SB 1162) Mello. Elder and dependent adult abuse.

Existing law requires certain care custodians, medical practitioners, employees of protective services agencies, and law enforcement agencies who have knowledge of physical abuse of elders or dependent adults to report suspected incidents of abuse to specified protective agencies.

This bill would impose a state-mandated local program by revising the definition of physical abuse for purposes of the reporting requirements, resulting in the extended application of the reporting and investigation requirements

Under existing law, the failure of a person required to report physical abuse to make the report when that person knew or reasonably knew of the abuse is a misdemeanor.

This bill would result in a state-mandated local program by revising the scope of the application of the 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 for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch 1397 (SB 1224) Mello. State employees: elevator operators.

The Public Employees' Medical and Hospital Care Act is intended to, among other things, enable the state to attract and retain qualified employees by providing health benefit plans similar to those commonly provided in private industry Employee is defined for those purposes

This bill would include within that definition, persons employed on or before June 30, 1987, by the Department of General Services under a temporary authorization as elevator operators and would authorize those persons to participate in a promotional examination for a period of one year.

The provisions of this bill are repealed effective January 1, 1989.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1398 (SB 1249) Morgan Hazardous waste disposal fees· study

Existing law imposes a fee upon the disposal of hazardous waste and requires these fees to be deposited into the Hazardous Waste Control Account in the General Fund.

This bill would require the State Department of Health Services to submit a study to the Legislature by January 15, 1988, which would recommend a permanent fee structure and would appropriate $50,000 from the Hazardous Waste Control Account in the Gen-

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

eral Fund to the department for this purpose

The bill would also declare that it is to take effect immediately as an urgency statute.

Ch. 1399 (SB 1338) Nielsen. Colusa Basin drainage and flood control.

(1) Under existing law, there is no special drainage and flood control district act for the Colusa Basin

This bill would enact the Colusa Basin Drainage District Act which would create the Colusa Basin Drainage District to provide for control of drainage and flood waters within the Colusa Basin, as prescribed. The bill would specify the powers and duties of the district and provide for the management and financing of the district The bill would impose a state-mandated local program by imposing various duties upon the Boards of Supervisors of Colusa, Glenn, and Yolo Counties, other county officers, and various water districts and by requiring the district benefit assessment to be levied, collected, and enforced at the same time and in the same manner as county taxes.

(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 1400 (SB 1364) Rosenthal Homeless persons. rental security deposits

(1) Existing law, which will be repealed January 1, 1989, authorizes the Department of Housing and Community Development to make grants from the continuously appropriated Emergency Housing and Assistance Fund to local governments and nonprofit organizations to provide emergency or temporary housing for the homeless, as specified Existing law requires the department to ensure that no more than 30% of the moneys in the fund are expended during any fiscal year for grants to cover operating expenses.

This bill would preclude prescribed participation in the grant-application review process by the applicant. The bill would make revisions in the grant award process and require fair geographical distribution of the grants The bill would also increase the amount allowable for grants for operating expenses from 30% to 50% of the moneys in the fund during any fiscal year. This increase in available funds for these grants would make an appropriation by adding a new purpose to an additional 20% of a continuous appropriation.

(2) Existing law does not provide for a transitional deposit guarantee demonstration program.

This bill would require the Department of Housing and Community Development to establish a Transitional Housing Rental Deposit Guarantee Demonstration Program for qualifying homeless persons

Under this program the department would be required to provide prescribed grants and technical assistance to nonprofit agencies and local governments operating emergency housing shelters to enable them to provide guarantees for payment of rental security deposits by homeless persons. Grant recipients would be required to provide 15% matching funds from private donations. The bill would require these guarantees to be given by a contract, under which qualifying homeless persons could pay security deposits required by their landlords in installments. The bill would require at least 7 grants in the 1st year of operation and would require grants to be made in the Counties of Los Angeles, Contra Costa, Fresno, San Francisco, Alameda, Sacramento, and at least one rural area in northern California.

The bill would make an appropriation by making available $200,000 to the department for purposes of the bill from interest earned by the Emergency Housing Assistance Fund The bill would express the intent that no further transfers be made from the fund for that purpose.

Ch. 1401 (SB 1385) Montoya. Real estate brokers. licensing exemption.

Existing law exempts any lender making a loan guaranteed or insured by an agency of the federal government, or for which a commitment to so guarantee or insure has been made by the agency, from the definition of the term "real estate broker" for

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

purposes of the Real Estate Law and other provisions relating to prohibited real estate acts, as specified.

This bill would delete that exemption and recast an existing exemption for persons making collection of payments for lenders, or on notes of owners

Ch. 1402 (SB 1413) Seymour. Subdivisions. final map fees· Orange County

(1) Existing law provides that the Board of Supervisors of Orange County and the city council of any city in that county may by ordinance, require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the costs of building bridges and major thoroughfares

This bill would make a nonsubstantive change in that provision.

(2) Existing law authorizes the Board of Supervisors of Orange County and the city council of any city in that county to require, by ordinance or resolution, the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the costs of building bridges and major thoroughfares

This bill would authorize Orange County and any city imposing fees pursuant to this law to enter into a joint exercise of powers agreement with other local agencies imposing the fees for the purpose of constructing bridge facilities and major thoroughfares.

(3) Existing law, under the El Dorado County Toll Tunnel Authority Act, creates the El Dorado Toll Tunnel Authority, comprised of the El Dorado County Board of Supervisors, with certain powers and authority in conjunction with the construction of toll tunnels within the county

This bill would authorize local agencies entering into agreements as described in paragraph (2) above, to exercise powers parallel to those provided in the El Dorado County Toll Tunnel Act, except as otherwise specified, and would require that an agency exercising powers under this statute first adopt a resolution finding that adequate funding from other sources is not available, as specified The bill would further authorize the entities participating in the joint exercise of powers agreement to set and collect toll charges to pay for the costs of major thoroughfares.

(4) This bill would incorporate additional changes in Section 66484.3 of the Government Code, proposed by SB 1073 or SB 1074, or both, to become operative only if SB 1073 or SB 1074, or both, and this bill are chaptered and become effective on or before January 1, 1988, and this bill is chaptered last.

Ch. 1403 (SB 1415) Seymour. Joint exercise of powers agreements. Orange County.

Existing law authorizes any agency, commission, or board provided for by a joint powers agreement to issue revenue bonds to pay the cost and expenses of acquiring and constructing a project for any of certain specified purposes

This bill would add to these specified purposes the construction of bridges and thoroughfares in Orange County under specified conditions.

Ch 1404 (SB 1629) Vuich Bees.

(1) Existing law provides for the regulation of the beekeeping industry.

This bill would revise those provisions, and make various technical, procedural, and conforming changes The bill would also state legislative intent

(2) Under existing law, it is a misdemeanor to violate the provisions of the Food and Agricultural Code related to beekeeping.

This bill would make a violation of the revised provisions or of regulations adopted thereto an infraction

The bill would subject a violator to a fine and civil penalties, as specified. Fines and penalties would be required to be paid into a special account available for costs of administration and for reimbursement of prosecution costs of the district attorney.

(3) Existing law creates and defines the duties of the Apiary Board.

This bill would revise provisions prescribing the appointment and qualifications of members of the board.

(4) Existing law requires all apiary owners to notify the county agricultural commissioner when relocating a bee hive from a diseased location, as specified Beekeepers may

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

request the commissioner to give notice of pending pesticide applications.

This bill would require notification of the commissioner when relocating a bee colony to any new location within the state, thus imposing a state-mandated local program. The bill would allow a single notification of the commissioner for apiary relocation and for notice of pending pesticide usage.

(5) Existing law allows the county agricultural inspector to make an apiary inspection if a disease has been brought to his or her attention in writing, as specified.

This bill would state that the director or commissioner, or any inspector acting under their direction, may enter any apiary or ancillary building for inspection, as specified.

(6) Under existing law, it is unlawful to maintain an unregistered apiary.

This bill would require all apiaries to be registered, and to be kept on land owned or leased by the apiary owner, as specified. The bill would require notice to be given when moving apiaries from any county, as specified. Also, the bill would require that information regarding the registration, identification, or movement of apiaries be kept confidential

(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. 1405 (SB 605) Morgan Schools Partnership Academies [34]

(1) Existing law makes various findings regarding the Peninsula Academies Model Program Existing law requires the Superintendent of Public Instruction, commencing with the 1984–85 fiscal year, from funds appropriated for that purpose, to provide specified apportionments to high school districts meeting specified eligibility criteria, for purposes of establishing not more than 10 academies under the Peninsula Academies Model Program, and to the Sequoia Union High School District.

This bill would make specific findings regarding the success of the Peninsula Academies Model Program and would provide for the establishment of additional academies, to be known as Partnership Academies. This bill would require the Superintendent of Public Instruction, commencing with the 1987–88 fiscal year, from funds appropriated for that purpose, to issue grants in specified amounts to high school districts meeting specified eligibility criteria for purposes of planning, establishing, and maintaining Partnership Academies. This bill would authorize the superintendent to issue a maximum of 15 grants per year for the 1987–88, 1988–89, 1989–90, and 1990–91 fiscal years. This bill would require the superintendent, when issuing the grants to school districts, to ensure that the grants are equitably distributed among high wealth and low wealth school districts in urban, rural, and suburban areas. This bill would provide for the identification of eligible students, making presentations to prospective students, and selection of students.

(2) Existing law requires the Educational Technology Committee to assist the superintendent and requires the State Department of Education to evaluate the Peninsula Academies Model Program and to report to the Legislature regarding specified issues 2 years after the effective date of the existing law.

This bill would repeal these provisions and instead would require the superintendent to establish eligibility criteria, as specified, for school districts applying for grants, to contract for a 3-year independent review of the effectiveness of Partnership Academies, and to report the results of the review to the Legislature by January 1, 1991. This bill would prohibit a school district from establishing additional academies until the district has successfully operated its existing academy or academies. This bill would also require the superintendent to develop guidelines with respect to the Partnership Academies, as specified.

(3) This bill would appropriate $535,000 to the State Department of Education for the 1987–88 fiscal year for allocation as specified

---

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

Ch. 1406 (AB 1675) W. Brown. Fiscal affairs· California Academy of Sciences.

This bill would appropriate $1,750,000 from the funds received by the state pursuant to specified provisions relating to tidelands and submerged lands granted by the state to the City of Long Beach, to the Controller for allocation to the California Academy of Sciences, a private nonprofit organization for specified purposes The bill would require the academy to match this appropriation with nonstate dollars.

The bill would also amend and supplement the Budget Act of 1987 by apropriating $4,105,000, as specified, from the Special Account for Capital Outlay.

Ch. 1407 (SB 342) Maddy Horseracing employees.

Existing law provides that the Industrial Welfare Commission may promulgate orders regarding minimum wages, hours, and conditions of labor for various categories of employment.

This bill would require that, except under specified circumstances, the employment of stable employees, as defined, engaged in the raising, feeding, and management of racehorses by a trainer, as defined, be subject to the same standards governing wages, hours, and conditions of labor as those established by the commission concerning employees in agricultural occupations engaged in the raising, feeding, and management of other livestock

Ch. 1408 (SB 1508) McCorquodale Fiscal affairs. appropriations state parks. [35]

(1) Under existing law, the City of Los Angeles, the County of Los Angeles, and the state are required to develop jointly a procedure and enter into an agreement for the awarding of concessions at the El Pueblo de Los Angeles State Historic Park

This bill would provide for the extension of the existing concession agreement until January 1, 1989, and would require the Department of Parks and Recreation to make a progress report to the Legislature by July 1, 1988, on the status of negotiations between the city and state for long-term administration of the park and on the awarding of this concessions contract.

(2) Under existing law relating to the California SNO-PARK permit program, the department is authorized to make grants to counties for snow removal from designated parking areas in the program Existing law specifies the maximum fees for a parking permit under the program, prohibits overnight camping in a vehicle parked in a designated parking area, and authorizes the department to solicit specified retail commercial enterprises to act as authorized vendors of the permits.

This bill would authorize the department to contract directly for snow removal, provision of sanitary facilities, and other services under the program The bill would delete the prohibition on overnight camping and authorize the department to allow overnight camping if it makes specified determinations. The bill would increase the maximum for a one-day permit fee from $2 to $5 and the maximum for a one-year permit from $10 to $25 The bill would delete the authority of the department to solicit specified retail commercial enterprises to act as authorized vendors of the permits.

(3) Under existing law, the department provides grant funds to various local agencies for park and recreational purposes.

This bill would amend and supplement the Budget Act of 1987 to appropriate certain amounts from the Special Account for Capital Outlay in the General Fund, the Parklands Fund of 1984, and the Recreation and Fish and Wildlife Enhancement Fund, as specified, to specified state agencies for various purposes, to be allocated as specified

The bill would amend the Budget Act of 1985 to provide that any funds remaining from an appropriation of $2,500,000, not to exceed $525,000, from the Special Account for Capital Outlay for open space, recreation areas, and improvements in Cabrini/Craig Canyon, Burbank, Rim of the Valley Trail Corridor may be used for Rim of the Valley Trail related improvements, as specified

(4) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1409 (AB 586) Mojonnier Care facilities

Existing law defines and provides for regulation by the State Department of Social Services of various facilities providing care for mentally ill, developmentally and physi-

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

cally disabled, and other children and adults as community care facilities.

This bill would expressly exclude from the definition of community care facility any homeless shelter if no resident thereof requires any element of care, as specified

Under existing law, if a defendant in a criminal matter is found mentally incompetent, the trial or judgment is suspended and the court is required, among other things, to order the defendant delivered to a state hospital for care and treatment

This bill would require the court, when directing that the defendant be confined in a state hospital, to select the hospital in accordance with policies established by the State Department of Mental Health

Ch. 1410 (AB 813) Jones Groundwater recharge, water conservation, and flood control facilities

(1) Under the Storm Water District Act of 1909, the tax levy to support a district is based on the assessed valuation of property in that district

This bill would provide, as specified, for an assessment to support the Lamont Storm Water District of Kern County based on the benefit received by properties within the district, subject to adoption of a specified resolution by the Board of Supervisors of Kern County and the board of trustees of the district.

(2) Under the Water Conservation and Water Quality Bond Law of 1986, loans may be made, upon approval by the Legislature, to local agencies to aid in the acquisition and construction of voluntary, cost-effective capital outlay water conservation programs and groundwater recharge facilities and to aid in the construction of drainage water management units, as specified.

This bill would authorize loans pursuant to the bond law to specified agencies for purposes of financing specified groundwater recharge facilities and specified water conservation projects, thereby making an appropriation

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1411 (AB 839) Tucker Local safety members of PERS port police officers-fire investigators.

Existing provisions of the Public Employees' Retirement Law provide for a local safety membership category consisting of local policemen, local firemen, local safety officers, and county peace officers; provide therefor, generally, higher retirement and disability benefits and higher contribution rates than the local miscellaneous membership category; and generally, authorize contracting agencies to elect to make local safety member benefits applicable to specified categories of employees

This bill would redesignate "local firemen" as "local firefighters "

This bill would authorize contracting agencies to include within the local safety membership category, specified harbor or port police officers performing specified active law enforcement duties and to include within the local firefighter category, fire department employees providing fire training or fire investigation services These provisions would be inapplicable to a contracting agency unless and until it elects to be subject to these provisions These new authorizations would impose state-reimbursable state-mandated local negotiating costs since their 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund

Ch 1412 (AB 892) Peace Property taxation exemption

Existing provisions of the California Constitution exempt from property taxation property which is owned by a local government and which is located within its area of

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

jurisdiction.

This bill would provide that property which is devoted exclusively to public purposes and is owned by a nonprofit entity in which a chartered city, as specified, which is located in a county of the third class has the sole ownership interest shall be deemed to be property owned by the chartered city.

This bill would specify that it is not to be construed to exempt from property taxation property owned by that chartered city located outside of its boundaries

This bill would make specified findings and declarations respecting the unique facts involved with respect to the chartered city covered by this exemption

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 apply to exemption claims filed for the 1988–89 fiscal year and fiscal years thereafter.

Ch. 1413 (SB 201) Montoya. California Board of Podiatric Medicine. [36]

(1) Existing law requires the California Board of Podiatric Medicine to enforce and administer specified provisions of the Medical Practice Act as to podiatry certificate holders.

This bill would provide that the board has the authority to enforce and carry out the Medical Practice Act as to podiatrists in the same manner as it is enforced and carried out as to physicians and surgeons.

(2) Existing law authorizes a person licensed pursuant to the Medical Practice Act whose certificate has been revoked or suspended or who has been placed on probation to petition the Division of Medical Quality of the Board of Medical Quality Assurance for reinstatement or modification, as specified

This bill would provide that those provisions are applicable to and may be carried out by the California Board of Podiatric Medicine, as specified, and would make related changes.

(3) Existing law requires notice of each meeting of the California Board of Podiatric Medicine to be given twice a week for 2 weeks preceding the meeting in a daily newspaper published in the Cities of Sacramento, San Francisco, and Los Angeles

This bill would instead require that notice to be given in accordance with the Bagley-Keene Open Meeting Act.

(4) The bill also would provide for the establishment by the board of a diversion program for the rehabilitation of doctors of podiatric medicine whose competency is impaired due to abuse of drugs or alcohol, as specified.

(5) The bill would appropriate $30,000 from the Podiatry Fund to the California Board of Podiatric Medicine to implement the diversion program.

Ch. 1414 (AB 952) Hansen. Department of Forestry and Fire Protection. fires rewards: crimes.

(1) Existing law provides that every person who maliciously drives into or places in any saw-log, shingle-bolt, or other wood, any iron, steel, or other substance sufficiently hard to injure saws, knowing that the wood is intended to be manufactured into any kind of lumber is guilty of a felony.

This bill would require every person who possesses any iron, steel, ceramic, or other substance with the intent to use it in a violation of the above-described offense to be punished by imprisonment in the county jail not to exceed one year The bill would thus impose a state-mandated local program by creating a new crime

This provision of the bill would become operative only if SB 1176 is enacted and becomes effective on or before January 1, 1988.

(2) Existing law authorizes the Department of Forestry and Fire Protection to pay a reward of up to $5,000 for information leading to the arrest and conviction or commitment of any person who willfully and maliciously sets, or attempts to set, fire to any property within any established state responsibility area.

This bill would increase the amount of the reward up to $10,000 if the fire or the attempt results in death or great bodily injury to anyone, including fire protection personnel or if the fire causes substantial structural damage.

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

(3) The bill would become operative only if SB 1176 is also chaptered.

(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. 1415 (AB 1059) La Follette. Acutely hazardous materials.

(1) Existing law requires every business, except as specified, which handles specified amounts of an acutely hazardous material, as defined, to file an acutely hazardous materials registration form with the administering agency on or before September 1, 1987, and to revise the form under specified circumstances Acutely hazardous materials are defined as any chemical classified as an acutely toxic material by the Environmental Protection Agency according to specified criteria

This bill would extend to January 1, 1988, the date by which businesses would be required to submit the registration form. The bill would revise the definition of acutely hazardous material, thereby imposing a state-mandated local program by creating a new crime. The bill would require that a risk management and prevention program be certified as complete by a qualified person, as defined, rather than by a registered professional The bill would make other changes relating to the preparation, submission, review, and approval of risk management and prevention programs.

(2) The bill would authorize the Office of Emergency Services to adopt regulations and require it to adopt guidelines, as specified, to implement certain provisions of the bill, and to publish for distribution these guidelines

(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 declare that it is to take effect immediately as an urgency statute

Ch. 1416 (AB 1261) Johnston Youth institutions

(1) Existing law authorizes the Department of the Youth Authority to establish various facilities

This bill would authorize the department to construct and establish a 600-bed facility at the Northern California Youth Center in San Joaquin County, and would require it to install secure fencing enclosing the Northern California Youth Center

The bill would also require the Department of the Youth Authority and the Department of Corrections to enter into an agreement with the Stockton East Water District for the purchase of surface water to service facilities at the Northern California Youth Center site, and require that the agreement include the participation of the departments in a proportionate share of the cost of construction of a water transmission pipeline, as specified, not to exceed the amount of $200,000

(2) A 1986 statute appropriates $2,900,000 from the 1986 Prison Construction Fund for preliminary plans for the New Youth Institution.

This bill would provide that the money so appropriated shall be available for preliminary plans and working drawings for the new 600-bed facility, and would also appropriate $461,000 from the 1986 Prison Construction Fund for that purpose. The bill also would appropriate (a) $180,000 from that fund to the Department of the Youth Authority and $120,000 to the Department of Corrections for specified costs of upgrading a specified interchange, and (b) $320,000 from that fund to the Department of Corrections for the purchase and installation of beds and lockers for the Northern California Women's Facility.

(3) The bill also would authorize the Department of Corrections to house up to 800 women at the Northern California Women's Facility, as specified.

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

---

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

Ch. 1417 (AB 1308) Wright. Hazardous waste: fees.

(1) Existing law requires that each person, including local governmental agencies, who disposes of hazardous waste onsite or who submits hazardous waste for disposal offsite to pay a fee to the State Board of Equalization for deposit in the Hazardous Waste Control Account in the General Fund, and the money in the account is continuously appropriated to the State Department of Health Services for hazardous waste management. Existing law specifies the formula for determining adjustments to the disposal fee and establishes criteria for surface impoundments, which are operative until April 1, 1988. Existing law also imposes, until April 1, 1988, an annual facility fee upon operators of specified hazardous waste storage, treatment, and disposal facilities and defines "facility," for this purpose, as excluding facilities operated by a local government agency used exclusively for household hazardous waste collection. Existing law makes violations of the hazardous waste laws crimes.

This bill would extend the termination of the adjustment formula for the disposal fees the impoundment criteria, and the facility fees to July 1, 1988, thus making an appropriation of those additional fees, creating a crime in that extended period, and thereby imposing state-mandated local programs in the extended period. The bill would exempt from the disposal fee hazardous wastes generated or disposed of by state and local agencies operating a household hazardous waste collection program or by local vector control agencies or county agricultural commissioners meeting specified requirements. The bill would also redefine "facility" for purposes of the facility fee to additionally exclude hazardous waste which is generated or disposed of by local vector control agencies or county agricultural commissioners.

(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 for certain costs no reimbursement is required by this act for a specified reason.

Moreover, the bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for other 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 those other costs.

Ch. 1418 (AB 1359) Clute. Child molestation.

(1) Existing law requires persons who have been adjudicated wards of the juvenile court because of the commission or attempted commission of certain listed sex offenses, 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.

This bill would include within the listed offenses, the offense of annoying or molesting any child under the age of 18 years. It thus creates state-mandated local programs by increasing the level of services required of local government under an existing program and by expanding the scope of an existing crime.

(2) Under existing law, every person who annoys or molests any child under 18 years is deemed a vagrant and is guilty of either a misdemeanor or felony depending upon the circumstances.

This bill would delete reference to the term vagrant in the above-described crime The bill would also renumber the Penal Code section containing the above-described crime and make certain conforming changes in the Penal and Education Codes.

(3) The bill would make additional changes in Section 290 of the Penal Code contingent upon the prior chaptering of AB 1407.

(4) This bill would also incorporate additional changes in Section 647a of the Penal Code, proposed by AB 1359 or AB 2441, or both, to become operative only if AB 1359 or AB 2441, or both, and this bill are chaptered and become effective on or before January 1, 1987, and this bill is chaptered last

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

(5) This bill also would make additional changes in Section 868.5 of the Penal Code, contingent upon the prior chaptering of AB 1068.

(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 for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs 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 (AB 1424) Calderon State Teachers' Retirement System tax-sheltered annuity program.

The existing State Teachers' Retirement Law authorizes the system to operate a tax-sheltered annuity program for its members.

This bill would require the system to provide for recovery of all operating costs and expenses without subsidy from the Teachers' Retirement Fund and would prohibit the system from utilizing its member mailing list for the purpose of transmitting information dedicated solely to advertising or marketing this program

Ch. 1420 (AB 1441) Floyd. False claims against the state.

Existing law makes it a crime for any person to present to specified public officers for allowance or payment any false or fraudulent claim, bill, account, voucher, or writing with the intent to defraud.

This bill would make any person liable to the state or a political subdivision thereof for a civil penalty of not less than $5,000 and not exceeding $10,000, and 3 times the damages sustained by the state or political subdivision if the person knowingly presents, makes, uses, or causes to be presented, made, or used, any false or fraudulent claim to the state for payment or approval, or engages in specified related conduct involving false or fraudulent state claims. The bill would require the Attorney General and the prosecuting authority of a political subdivision to diligently investigate violations of this provision. The bill would authorize the Attorney General, the prosecuting authority of a political subdivision and any other person to bring a civil action for the people of the state or of the political subdivision and would authorize the state or the prosecuting authority to intervene or not depending on whether state and political subdivision moneys are involved and would set forth the procedures therefor

The bill would permit a court to stay the discovery of a person initiating an action upon a showing that the discovery would interfere with an investigation or prosecution. The bill would also permit a court to limit the person's or his or her witness' participation in the litigation upon a showing it would interfere with or delay the prosecution

The bill would prohibit an employer from making any rule or taking any other actions to discourage an employee from coming forth with information regarding false claims and would provide for sanctions against an employer who violates that prohibition.

The bill would stop a defendant from denying the essential elements of the charges in an action brought under this bill if a guilty verdict was rendered in a criminal proceeding for the same prohibited actions.

Ch. 1421 (AB 1482) Bane. Blood research

Pursuant to the Budget Act of 1987, the State Department of Health Services is required to redirect $200,000 of the funds appropriated for lupus erythematosus research to fund studies of transfusion-related AIDS or hepatitis in patients who receive only platelet transfusions without other blood products, and to enter into contracts with up to 3 university medical schools or medical schools affiliated with university medical schools to conduct the studies

This bill would instead require an advisory committee composed of 5 specified persons

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

to oversee a study to evaluate the comparative safety from transfusion-acquired infectious diseases of specified platelet transfusion products. The study would be performed by an audit of laboratory records of specified tests conducted by blood banks which harvest platelets from volunteer and paid donors in like geographic areas.

The bill would require that at least 3 members of the committee must serve on the committee to be sufficient for it to conduct business.

The bill would require the department to enter into contracts with individuals or organizations to perform the study, in accordance with criteria developed by the committee.

The bill would also require the committee to establish protocols for the conduct of the study.

The bill would require the committee, at the end of each fiscal year for which it receives funds, to submit its findings to the department and the Legislature.

The bill would permit up to $200,000 annually to be spent to implement the bill through the 1989–90 fiscal year. It would require the funds redirected in the 1987–88 Budget Act as referred to above, to be expended for this study, thus constituting an appropriation. It would express the intent of the Legislature that funding for subsequent fiscal years be provided in the Budget Act.

Ch. 1422 (AB 1506) Hauser. Commerical fishing.

(1) Existing law authorizes the Director of Fish and Game, by regulation, to adopt regulations to conform state statutes and regulations to federal fishery management plans, which regulations are operative for 180 days.

This bill would make those conforming regulations operative for one year

(2) Existing law regulates, prohibits, and otherwise restricts the taking or possession of certain fish by commercial fishermen, including size and season requirements.

This bill would, notwithstanding those restrictions and except when prohibited by federal law, authorize possession on a commercial fishing vessel of otherwise unlawfully taken fish aboard a commercial fishing vessel if the fish are of a species and size that can be lawfully taken under sportfishing regulations in the area where taken, the taking is incidental to lawful fishing operations, and the fish are maintained, prepared, and stored for consumption on the vessel, as specified. The bill would, notwithstanding that authorization, prohibit specified species from being possessed on a commercial fishing vessel while on a commercial fishing trip if they are less than the commercial size limit, and the bill would prohibit possession of sturgeon or striped bass on a commercial fishing vessel

(3) Existing law requires crab traps used north of Point Conception to have 2 rigid circular openings of specified size and location, commonly referred to as escape rings. Crab traps used in Districts 19 or 118.5 used to take rock crab, as defined, are exempt from that requirement.

This bill would, until January 1, 1990, extend this exemption to all crab traps used to take rock crab south of Pillar Point in San Mateo County. The bill would also require dungeness crab taken in a crab trap under the exemption to be immediately returned unharmed to the waters from which taken. A violation of this provision would be a misdemeanor, thereby imposing a state-mandated local program.

(4) Under existing law, the director may enter into a mutual agreement or compact with the Hoopa Valley Indian Tribal Council and the Bureau of Indian Affairs relating to Indian fishing and commercial sales of fish allocated to Indian Members of the Klamath River Indian Tribes, as defined The allocation is also required to be adopted by the Klamath River Salmon Management Group, as defined.

This bill would, instead, authorize that agreement or compact with the Hoopa Valley Business Council and the Bureau of Indian Affairs, would require the allocation to be, instead, approved by the Klamath Fishery Management Council, as defined in the bill, and would make other conforming and technical changes.

(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

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

reason.

Ch. 1423 (AB 1578) Bronzan. Sentencing.

(1) Under existing law, when a person is committed to prison on a life sentence ordered to run consecutively to a determinate term of imprisonment imposed under specified provisions, the determinate term is served first and is not credited to parole eligibility under a specified section

This bill would make those provisions applicable to a determinate sentence imposed under additional specified provisions. It would also provide that the determinate term is not to be credited to parole eligibility under any provision of law that establishes a minimum period of confinement before eligibility for parole

(2) Under existing law, when a term of imprisonment is imposed and the statute specifies 3 possible terms, the court is required to order the middle term imposed unless there are circumstances in aggravation or mitigation. Existing law prohibits the imposition of an upper term by using the fact of any enhancement under specified sections.

This bill would prohibit the imposition of an upper term by using the fact of any enhancement under any other section of law

(3) Under existing law, if a person is convicted of 2 or more felonies and a consecutive term is imposed, generally the aggregate term is the sum of the principal term, the subordinate term, and any additional term imposed under specified sections Under existing law, the principal term consists of the greatest term of imprisonment imposed, including any enhancements imposed under specified provisions.

This bill would also include within the principal term enhancements additional provisions relating to habitual criminals, kidnapping to commit sexual offenses, kidnapping a person under the age of 14 to deprive a parent or legal guardian of custody, and commission of a felony while armed and in possession of metal or armor penetrating ammunition.

(4) Under existing law, the subordinate term for a violent felony consists of ⅓ of the middle term including ⅓ of any enhancements imposed under specified provisions.

This bill would also include within the subordinate term ⅓ of enhancements imposed under the additional provisions described in (3) above, and would make a similar change relating to the subordinate term for kidnapping

(5) Existing law provides that the term of imprisonment may not exceed twice the base term except in specified instances

This bill would include within those instances cases involving the imposition of consecutive sentences because of 2 or more convictions for kidnapping or where the enhancements under (3) are imposed.

(6) Existing law authorizes the court to strike the additional punishment for enhancements under specified provisions.

This bill would authorize the court to strike the additional punishment for enhancements under provisions relating to kidnapping to commit sexual offenses, kidnapping a person under the age of 14 to deprive a parent or legal guardian of custody, and the enhancement for commission of a felony while armed and in the possession of metal or armor penetrating ammunition.

(7) The bill would also repeal a duplicate section and make additional technical changes

(8) The bill would incorporate additional changes in Section 669 of the Penal Code, proposed by AB 1152, to become operative only if both bills are enacted, and this bill is enacted last.

(9) The bill would incorporate additional changes in Section 1170.1 of the Penal Code, proposed by AB 1152, AB 1559, and AB 2504, to become operative only if AB 1152, AB 1559, or AB 2504, or a combination, and this bill are enacted, and this bill is enacted last.

Ch. 1424 (AB 1807) Longshore. Veterans. provision of benefits.

(1) Existing law provides for county veteran service officers to assist veterans of any war in presenting and pursuing claims for federal and state veterans' benefits arising out of war service.

This bill would delete the requirement that the claim arise out of war service. The bill

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

would require every state and local public agency to render the service or provide the benefits or assistance it provides to the public to every veteran on the same basis as to any other person The bill would direct the agency, if it determines that the costs of any service rendered, benefits provided, or assistance furnished to a veteran are recoverable from the Veterans' Administration, to refer the matter to the county veteran service officer, where applicable, who would be directed to present and pursue the claim against the United States on behalf of the agency

The bill would also permit the Department of Veterans Affairs to enter into an agreement with the State Department of Health Services for the purposes of obtaining federal matching funds, as specified The bill would require federal funds to be disbursed on a pro rata basis to counties only if the funds are available and the county maintains or increases its 1986–87 fiscal year contribution to veteran service officer funding. The bill would specify that these disbursements are in augmentation of other state money for county veteran service officers, and would require that funds received by a county under these provisions be used for county veteran service officer salaries and expenses

By imposing these requirements on local agencies and county veteran service officers, 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, 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1425 (AB 1864) Filante Health.

Existing law contains procedures for the imposition of license suspensions by the State Department of Health Services against licensed health facilities

This bill would make technical nonsubstantive changes in these provisions

Existing law permits the Director of Health Services, when specified circumstances exist, to petition the superior court for an order appointing a receiver to temporarily operate a long-term health care facility.

This bill would permit the director, whenever he or she has filed a petition seeking an order to appoint a receiver to operate a long-term health care facility, to also file a petition seeking an order for appointment of a temporary receiver, who would serve until the court made a final determination on the petition for appointment of a receiver. The temporary receiver would have the same powers and duties as would a receiver appointed to operate a long-term health care facility pursuant to existing law

Existing law requires that a receiver shall be a licensed nursing home administrator or other responsible person or entity, as determined by the court

This bill would require the receiver's selection to be made from a list of qualified receivers, who must have experience in delivery of health care services, and, if feasible, experience with the operation of a long-term health care facility to be established by the department with input from long-term health care providers and consumer representatives.

The bill would also require the department to consult with the Board of Examiners of Nursing Home Administrators to screen potential receivers in order to determine if they are administrators in good standing

Under existing law, a receiver is not required to honor any lease, mortgage, secured transaction, or other wholly or partially executory contract, entered into by the owners or operators of the facility if specified conditions are met

This bill would, instead, permit a receiver to dishonor any lease, mortgage, or secured transaction, entered into by the licensee of the facility and another party, if the court finds that the agreement between the parties was entered into for a collusive, fraudulent purpose, or that the agreement is unrelated to the operation of the facility. It would specify, however, that the power to dishonor a lease, mortgage, or secured transaction

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

provided by the bill would not allow it to be dishonored subsequent to the duration of the receivership

Ch 1426 (AB 1888) Bronzan. California Health Facilities Financing Authority

Under existing law, the California Health Facilities Financing Authority is empowered to make loans under certain conditions from the California Health Facilities Financing 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

This bill would revise these provisions to permit the financing of various types of insurance, and to permit financing or refinancing by means other than revenue bonds, including certificates of participation, or other interests in bonds, loans, leases, installment sales, or other agreements. This bill would also permit the establishment and maintenance of a reciprocal insurance company or program, as specified, on behalf of participating health institutions to provide for payment of judgments, and other loss in connection with liability insurance, including medical malpractice, as provided. The bill would exempt from state regulation as insurance, any self-insurance pooling program entered into by participating health institutions, as specified, which is funded or financed in whole or in part with proceeds of the sale of revenue bonds or certificates of participation under these provisions. The bill would empower the authority to impose conditions or restrictions on these insurance arrangements, and would provide that the arrangements are not subject to the limitation of, or considered or included in computing the maximum amount of, outstanding bonds under existing law.

Existing law defines "participating health institution," for the purposes summarized in the first paragraph, to include certain private nonprofit corporations

This bill would require that a participating health institution that is a private nonprofit corporation or association and that borrows money to finance working capital under these provisions other than as part of the cost of a project, repay and discharge the loan within 15 months of the loan date.

Existing law requires that the discount on any bonds sold under these provisions not exceed 6% of par value

This bill would exempt from that requirement any bonds payable in whole or in part from moneys held under one or more outstanding resolutions or indentures

The bill would make various related changes.

Existing law authorizes the authority to utilize the interest, income, and profits earned or realized upon bond proceeds placed in escrow for the payment of the outstanding bonds to be refunded or for the payment of interest on the refunding bonds.

This bill would, instead, authorize the authority to invest or reinvest the bond proceeds placed in escrow in order to make these payments.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1427 (AB 1951) Filante. AIDS: blood test

Existing law, with certain exceptions, prohibits the testing of a person's blood for evidence of antibodies to the probable causative agent of AIDS without the written consent of the subject of the test and requires the person giving the test to have a written statement signed by the subject confirming that he or she obtained the consent from the subject.

This bill would revise the written consent requirement to permit written consent from the subject's parents, guardian, conservator, or other person lawfully authorized to make health care decisions for the subject in instances when the subject of the test is not competent to give consent, as specified For purposes of this provision, a minor would be deemed not competent to give consent if under 12 years of age

The bill would, in addition, permit the court to give consent to such a test for a minor, regardless of his or her age, who is a dependent of the court.

The bill would permit written consent to be obtained for a minor only when necessary to render appropriate care or to practice preventative measures.

Under existing law, written authorization is required from the test subject in order to

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

permit disclosure of blood test results for reactivity to the probable causative agent of AIDS.

The bill would also permit persons permitted to give consent for the test to receive the blood test results, to disclose test results on behalf of the subject, and provide written authorization for the disclosure of the test results on behalf of the subject.

Ch. 1428 (AB 2009) Nolan. Economic development: enterprise zones.

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. These credits include tax credits for a qualified business within an enterprise zone and for hiring specified disadvantaged individuals.

This bill would, for purposes of the tax credit claimable by qualified businesses, modify the definition of a qualified business and include within the specification of disadvantaged individuals, any individual certified eligible under the federal Targeted Jobs Tax Credit Program as long as that program is in effect. This bill would also require the Auditor General to submit a report evaluating the effects of this act and other specified provisions of law on state revenues and job creation.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 1429 (AB 2151) Baker. Fiscal affairs.

(1) The Budget Act of 1986 appropriated funds to reimburse local agencies for certain state-mandated local programs related to workers' compensation.

This bill would specify that the undisbursed balances of the appropriations made by the Budget Act of 1986 for those described programs shall, on the effective date of this bill, revert to the unappropriated surplus of the General Fund.

(2) The bill would appropriate $145,000 from the Fish and Game Preservation Fund to the Department of Fish and Game to provide for the timely construction and completion of laboratory facilities for analysis of selenium and other environmental contaminants.

(3) The bill would also appropriate $380,000 from the Federal Trust Fund to the State Department of Education for allocation to Timpany Center in Santa Clara County, subject to certain conditions.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1430 (AB 2270) Ferguson. Development projects.

Existing law requires every city, county, and city and county to provide for the coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential, commercial, and industrial developments by a single administrative entity.

This bill would until January 1, 1991, authorize the administrative entity to coordinate the review and decisionmaking process with other affected cities, counties, or districts upon request of the applicant. The bill would require the Office of Permit Assistance in the Office of Planning and Research to report on this coordinated review process by January 1, 1990.

Ch. 1431 (AB 2294) Killea. Courts.

(1) Existing law authorizes the imposition of a specified fee for filing a first paper in a civil action in the superior court or the municipal court, other than a small claims action, for the support of dispute resolution programs.

This bill would extend that provision to civil actions in justice court.

(2) Existing law authorizes every court to make rules for its own government and the government of its officers not inconsistent with law or with the rules adopted by the Judicial Council, except as specified.

This bill would state that, on or before January 1, 1989, counsel shall have the option

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

of appearing by telephone in nonevidentiary law and motion and probate hearings and conferences and, in counties not subject to the Trial Court Delay Reduction Act of 1986, in nonevidentiary trial setting conferences. The bill would require every superior court, by January 1, 1989, to provide by local rule, as specified, for appearances of counsel in those hearings and conferences by telephone. Courts subject to the Trial Court Delay Reduction Act of 1986, would be authorized to provide by local rule for appearances by telephone in nonevidentiary trial setting conferences. The bill would also require the Judicial Council, by March 1, 1988, to establish a pilot project for teleconferencing in superior courts, as specified. The bill would provide that parties, as specified, taking advantage of those procedures shall pay to the court a fee which covers all costs associated with the teleconferencing procedures, as determined by the court, and would require the Judicial Council to adopt model procedures for the superior courts The bill would impose a state-mandated local program by requiring new court services and 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.

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

(4) The bill would appropriate $110,000 for purposes of the act, as specified.

Ch 1432 (AB 2490) Killea. Hazardous materials: consultation services

(1) Existing law requires any business handling a hazardous material, as defined, to establish and implement a business plan for emergency response to a release or threatened release of the hazardous material

This bill would require each county to meet with representatives of local businesses, if requested by an organization representing local businesses, to determine whether there is a need for a hazardous materials information and consultation service, thereby imposing a state-mandated local program. The bill would authorize a county, upon making this determination, to establish a hazardous materials information and consulting service for persons subject to the Hazardous Waste Control Law, owners and operators of underground storage tanks, and businesses required to establish a business plan. The bill would specify the services to be provided and would require the county to develop policies concerning the prosecution of violations discovered pursuant to the service

The bill would authorize each county to collect fees pursuant to a fee schedule to implement this program from businesses which benefit from the services provided pursuant to the bill and would require a county to provide these services to a business not subject to the fee schedule upon payment of a negotiated fee The bill would authorize counties to seek available state funding for implementation of the 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 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. 1433 (AB 2625) Elder Criminal law.

(1) Existing law makes it a misdemeanor for any person, except in self-defense, in the presence of any other person to draw or exhibit any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or to, in any manner, unlawfully use the same in any fight or quarrel

This bill would make it a felony for any person, except in self-defense, in the presence of any other person who is an occupant of a motor vehicle proceeding on a public street or highway to draw or exhibit any firearm, whether loaded or unloaded, in a threatening manner against another person in such a way as to cause a reasonable person apprehen-

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

sion or fear of bodily harm, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law, except as otherwise specified, requires any sheriff, undersheriff, or deputy sheriff, any police officer of a city, and any police officer of a district authorized by statute to maintain a police department, who is first employed after January 1, 1975, to successfully complete a course of training prescribed by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except while participating as a trainee in an approved supervised field training program.

This bill would provide that the training course for an undersheriff and deputy sheriff of a county and a police officer of a city shall be the same.

This bill would also supersede provisions in AB 766 for the disposition of the net proceeds from the sale of a motor vehicle subject to forfeiture because of its use in the commission of an offense involving the discharge of a firearm from a motor vehicle, 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. 1434 (AB 2639) Johnston. Workers' compensation: liens.

Existing law authorizes the Workers' Compensation Appeals Board of the Division of Industrial Accidents to determine and allow as a lien against workers' compensation benefits, among other things, the reasonable expense incurred by or on behalf of the injured employee for certain medical and hospital treatment.

This bill would add lien authority for the reasonable expense incurred by or on behalf of the injured employee for medical-legal costs and expenses incurred for the purpose of proving or disproving a contested claim to the extent the employee is entitled to reimbursement under certain provisions of law. It would declare the intent of the Legislature that its provisions be given retroactive application and affect all applicable pending proceedings.

Ch. 1435 (SB 16) Presley. Prisoners: confinement

(1) Existing law requires the Department of Corrections, by January 1, 1989, to vacate the California Men's Colony West Facility.

This bill would repeal the provision which requires the department to vacate the California Men's Colony West Facility

(2) Under existing law, a person sentenced to a state prison is entitled to a reduction in time served for participation in work, training, or educational programs.

This bill would provide that the reduction applies to a confinement pursuant to a revocation of parole, as specified.

The bill would also appropriate $180,000 from the 1986 Prison Construction Fund to purchase and install a fence disturbance sensor system for the California Institution for Men.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1436 (SB 161) Watson. California Community Services Block Grant Program.

(1) Existing law defines terms relating to the California Community Services Block Grant Program and defines "limited purpose agency" as a private nonprofit organization or public agency, other than a community action agency and other than agencies and organizations which assist migrant and seasonal farmworkers and American Indians under the California Community Services Block Grant (CSBG) Program.

This bill would define limited purpose agency to be a nonprofit organization or public agency which received direct federal funding under the Economic Opportunity Act in 1981 and has operated continuously as a limited purpose agency since that time. The bill would also define "eligible entity."

(2) Existing law requires that an application for CSBG funds contain assurances and certifications that the state will comply with specified items.

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

This bill would require that the application also include information on how each assurance will be carried out.

(3) Existing law requires the Department of Economic Opportunity, by September 1, each year, to prepare an annual state plan which is required to include, among other things, a description of how assurances are to be carried out pursuant to specified methods, the process by which the plan was developed, distributed, and reviewed by the general public, and a report of the annual financial audit of the program.

This bill would require the department to prepare the plan each year, but would delete the specific date, and would delete the specified method of providing assurances, include for review of the plan, groups and individuals with an interest in the state's CSBG program, and delete the requirement that a report of the financial audit of the program be included in the plan.

(4) Existing law requires the state planning process to include plans by local entities, as specified.

This bill would delete those provisions and, instead, require the state plan to reflect the aggregate of local plans. The bill would require the department to make adjustments to the annual state plan as a result of certain public comments and to identify testimony presented by the poor and determine if those concerns have been expressed in the plan, and if not, specify in the plan the reason for the rejection.

(5) Existing law requires the Department of Economic Opportunity to issue quarterly advance payments to grantees in amounts equal to 25% of the grantee's operating expenses

This bill would require the department to issue advance payments in amounts equal to 25% of the grantee's annual allocation for the fiscal year

This bill would also require that each community action agency which qualified for minimum funding would receive a minimum level of $160,000 annually. It would also repeal existing law which provides that a community action agency use no more than 12% of its total operating funds for administrative expenditures.

(6) This bill would require the Director of Finance to utilize discretionary funds to restore diminished federal funding for CSBG in the event that federal appropriations are reduced by any amount up to 3 5% below the amount appropriated in the Budget Act. This bill would also specify the entities eligible to receive those discretionary funds.

(7) Existing law requires that the CSBG program be repealed on January 1, 1988, or when the Director of Finance finds that the federal Community Services Block Grant funding to the state has been terminated and files a report of that finding with each house of the Legislature, whichever is earlier, unless a later enacted statute, which is chaptered before the earlier of the 2 dates deletes or extends the date.

This bill would delete January 1, 1988, as one of those dates for repeal of the program and would specify that the finding necessary for repeal must include a finding that no new program has replaced the federal Community Services Block Grant.

The bill would make technical and conforming changes and delete obsolete dates

(8) This bill would impose a state-mandated local program by requiring local public entities to continue to undertake various activities, such as public hearings, planning, and administration, to carry out the California Community Services Block Grant 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. 1437 (SB 171) Davis. Sentencing.

Existing law authorizes the victim, or the victim's parent or guardian if the victim is a minor, or the victim's next of kin to appear at the sentencing proceeding involving the person who committed the crime. Existing law, however, does not require the court, at the time of sentencing or pronouncement of judgment in which sentencing is imposed, to orally inform the victim as to the law regarding the manner of calculating the true or actual sentence the defendant will serve.

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

This bill would impose that duty on the court in felony proceedings, thus requiring the court to orally inform the victim, as specified.

This bill would not become operative if AB 1731 is also enacted.

Ch. 1438 (SB 412) B. Greene. In-home supportive services. funding.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services in order to permit them to avoid institutionalization.

Existing law specifies that, with respect to in-home supportive services, the state shall pay from the General Fund the matching funds necessary to obtain federal social services funds, and if federal funds allocated by the State Department of Social Services are insufficient, the state is required to reimburse the counties for IHSS services by an amount not to exceed a specified limit, and requires counties to provide part of the costs in excess of the specified limit. To the extent a county cannot keep its expenditures within a specified amount, the county is required to implement program reductions after approval by the department

This bill would create a state-mandated local program by deleting authority for county reductions of program services, would make conforming changes, and would require the state to fully reimburse the counties for IHSS services to the extent federal and state matching funds for that purpose are insufficient, except that counties would be required to contribute an amount equal to their 1987–88 fiscal year contributions. It would provide that its provisions become operative on July 1, 1988.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1439 (SB 464) B. Greene. Museums: California Afro-American Museum

(1) Existing law provides for the California Museum of Afro-American History and Culture.

This bill would recast those provisions and instead create the California Afro-American Museum as a part of, and coexisting with, the California Museum of Science and Industry, as specified.

(2) Under existing law, the California Museum of Afro-American History and Culture is governed by a 7-member advisory board

This bill would instead provide that the California Afro-American Museum is governed by a 7-member board of directors, appointed by the Governor as specified In addition, the Senator representing the Senate district in which the California Afro-American Museum is located and the Assembly Member representing the Assembly district in which the museum is located would be ex officio nonvoting members of the board. The board would have the sole authority, subject to existing state laws, regulations, and procedures, to determine how funds which have been appropriated for support of the museum shall be expended.

(3) The bill would require the California Afro-American Museum to submit its annual budget request directly to the State and Consumer Services Agency.

(4) The bill would require, on July 1, 1988, that the California Museum of Science and Industry and the California Afro-American Museum jointly prepare and execute an agreement specifying the support functions which the California Museum of Science and Industry would continue to provide for the California Afro-American Museum.

Ch. 1440 (SB 479) Mello Community facilities districts

(1) Existing law authorizes community facilities districts to finance certain types of public and utility facilities and certain services

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

This bill would make these provisions applicable to all political subdivisions of the state not already included by existing law. The bill would authorize the financing by community facilities districts of improvements to existing facilities, as specified, and would prohibit these districts from leasing out facilities it has financed except pursuant to a lease or annexation agreement entered into before January 1, 1988. The bill would also authorize financing of the undergrounding of utility facilities and cable television lines. This bill would also authorize the financing of the operation and maintenance of museums and cultural facilities.

(2) Existing law does not specifically prohibit a county from forming a community facilities district within a city without consent of the city.

This bill would specifically provide that a county may not form a community facilities district within the territory of a city without consent of the city. The bill would also require that the legislative body of a public entity, other than a city or county, proposing to form a community facilities district transmit prescribed notice to the city or county in which the proposed district would be located.

The bill would also revise the contents of a resolution of intention to form a community facilities district.

(3) Existing law exempts property of public agencies from special taxes levied by community facilities districts.

This bill would authorize these special taxes to be levied on privately held possessory interests in property owned by a public agency, including property held in trust. The bill would require written contracts creating these possessory interests, other than leases entered into prior to January 1, 1988, to contain a specified notice in this regard, but the contract would not be invalid for failure to do so.

(4) Under existing law, the legislative body of a city or county that includes a community facilities district for which the levy of a special tax is proposed, is required to call an election thereon in the district.

This bill would require certain items to be submitted to election officials in connection with these elections within a certain time period The bill would specify that, where there is landowner voting in these elections that landowners at the close of the protest hearing, or their representatives, are eligible to vote and that the number of votes to be exercised by the landowner be specified on the ballot provided thereto. The bill would authorize certification of the mailing of mail ballots by an affidavit that would be conclusive proof of mailing in the absence of fraud. The bill would authorize personal service of ballots by the election official. The bill would also make changes with respect to ballot materials required for these elections and for return of landowners' mail ballots.

The bill would authorize the tax collector, at the request of the legislative body of the city or county, to identify public entities sharing in these special taxes The bill would authorize the tax collector to collect these special taxes at intervals specified in the resolution of formation, which would be authorized to be different from those at which ordinary ad valorem property taxes are collected. The bill would exempt these districts from a requirement of existing law for filing a prescribed statement and map or plat with the county assessor and State Board of Equalization, where the tax is billed or collected without reference to a tax rate area, and would specify that this is declaratory of existing law.

The bill would require the legislative body to record in the office of the county recorder a prescribed notice with respect to parcels for which a special tax is prepaid. The bill would revise the information required to be included in a resolution authorizing indebtedness of a community facilities district. The bill would specify that refunding bonds of such a district do not reduce authorized indebtedness and that this is declaratory of existing law.

Insofar as the above provisions require additional duties of county election officials with respect to community facilities districts located in cities, and require county recorders to record the above-described notices of release of a parcel from a special tax, the bill would impose a state-mandated local program.

(5) This bill would institute a procedure for completion of proceedings to create a community facilities district for which a resolution of intention had been adopted prior

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

to the effective date of this bill. In such a case, this bill would permit the creation of the district to be created under the law as it read when proceedings were initiated, or, as nearly as practicable, in accordance with this bill.

(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. 1441 (SB 490) Vuich. Municipal courts.

(1) Existing law provides for the number, classification, and compensation of municipal court personnel of the Northern and Southern Judicial Districts in San Mateo County.

This bill reflects the combination of the Northern and Southern Judicial Districts in San Mateo County into a single, countywide district. It would also revise the number, classification, and compensation of municipal court personnel in San Mateo County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law specifies the number, classification, and compensation of municipal court personnel in Humboldt County.

This bill would revise the number, classification, and compensation of municipal court personnel in Humboldt County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law provides for the number and compensation of municipal court employees in Fresno County.

This bill would revise the number and compensation of municipal court employees in Fresno County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law specifies the number, classification, and compensation of municipal court personnel in Riverside County

This bill would authorize the municipal court judges of Riverside County to appoint a court commissioner who would be authorized to sit in any judicial district in Riverside County as need arises, and would revise the number, classification, and compensation of other municipal court personnel in Riverside County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(5) Existing law specifies the number, classification, and compensation of municipal court personnel in Tulare County.

This bill would revise the number, classification, and compensation of municipal court personnel in Tulare County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(6) Existing law specifies the number and compensation of municipal court personnel in Shasta County.

This bill would revise the number and compensation of municipal court personnel in Shasta County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing 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

Ch. 1442 (SB 570) Garamendi. Bank and corporation taxes· civic leagues: exemption: franchise taxes: rate of tax

(1) The existing Bank and Corporation Tax Law exempts from the franchise and income taxes imposed by that law civic leagues or organizations which are not organized for profit, but operated exclusively for the promotion of social welfare, the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes, and the assets of which are irrevocably dedicated to one or more of those purposes

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

This bill would provide an exemption for a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law whose specific and primary purpose for formation is to render financial assistance to government, as defined, by financing, refinancing, acquiring, constructing, improving, leasing, selling, or otherwise conveying property of any kind to government, if it is operated exclusively for the exempt purposes specified in the exemption for civic leagues or organizations and if additional criteria relating to the irrevocable dedication of its assets to exempt purposes are satisfied

This bill would provide that any organization that has had its civic league or organization exemption revoked by the Franchise Tax Board may request a further review of its status under the exemption provisions of this bill

(2) Under the existing Bank and Corporation Tax Law, franchise taxes are imposed on every bank located within this state at a rate computed, as specified, but not to exceed 12% of net income.

This bill would make those taxes applicable to every bank doing business in this state

Existing law also provides for the adoption of a method of taxation of national banking associations which was contained in specified provisions of federal law which no longer exist.

This bill would delete that provision.

This bill would require the Franchise Tax Board to adopt regulations dealing with the apportionment and allocation of income with respect to banks and financial corporations in accordance with a specified objective

(3) This bill would take effect immediately as a tax levy, but paragraph (2) above would apply to income years commencing on and after January 1, 1988.

Ch. 1443 (SB 641) Dills Health benefits: justice court judges

(1) Existing provisions of the Public Employees' Medical and Hospital Care Act provide for health benefits coverage for certain judges who retired prior to January 1, 1983, subject to specified conditions

This bill would permit any justice court judge who is an employee or an annuitant of a county which is not a contracting agency under that act, to enroll in, or continue coverage of, a health plan pursuant to the act This bill would also provide that any judge in a county which is not a contracting agency under the act who is available for regular judicial assignment, as defined, and who has not retired or deferred retirement, is eligible to enroll in a health plan under the act

This bill would impose a state-mandated local program by requiring the employing county of a justice court judge who enrolls in, or continues coverage of, a health plan pursuant to this bill to remit each month the total health benefits cost assumed by the judge, and by imposing a similar requirement on a county which is subject to the County Employees Retirement Law of 1937 The bill would permit a county to charge a judge a fee or additional premium for costs incurred in remitting payments.

This bill would make an appropriation by requiring the county to remit those funds to the Public Employees' Contingency Reserve Fund, 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.

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

Ch 1444 (SB 646) Watson Child abuse

Existing law requires certain categories of persons to report known or suspected instances of child abuse to child protective agencies, as specified "Child protective agency" is defined to mean a police or sheriff's department, a county probation department, or a county welfare department.

This bill would specify that the term "child protective agency" does not include a school district police or security department

This bill also would specify that certain conduct, otherwise authorized of persons employed by or engaged in a public school, as specified, is not child abuse

---

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

The bill also would make a technical change with regard to an existing statement of legislative intent, designate the provisions relating to child abuse reporting as the Child Abuse and Neglect Reporting Act, and make a related change.

The bill also would make additional changes in Section 11165 of the Penal Code, contingent upon the enactment of SB 691, as specified.

Ch 1445 (SB 788) Garamendi. Small business hazardous waste reduction

(1) Existing law authorizes small business development corporations to guarantee small business loans, except as specified.

This bill would create, in the State Treasury, as part of the Small Business Expansion Fund, the Hazardous Waste Reduction Loan Guarantee Account and would continuously appropriate the funds in the account to the Office of Small Business for allocation to a small business development corporation, thereby making an appropriation

The bill would authorize a small business development corporation to establish a hazardous waste reduction loan guarantee fund to make or guarantee loans to hazardous waste generators for equipment, projects, or facilities to be used for the reduction of hazardous waste generated. The bill would require a loan or loan guarantee to be approved by the State Department of Health Services.

The bill would authorize the office to expend up to $30,000 from earnings for allocation to the Small Business Development Board to adopt emergency regulations on implementing direct lending.

This bill would repeal those provisions on January 1, 1990, unless a later enacted statute deletes or extends that date.

(2) Under the California Pollution Control Financing Authority Act, the funds in the Hazardous Waste Reduction Incentive Account in the General Fund are available, upon appropriation by the Legislature in the annual Budget Act, to the California Pollution Control Financing 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, reduce at the source, or treat hazardous wastes

This bill would repeal those provisions and would transfer the funds in the Hazardous Waste Reduction Incentive Account to the Hazardous Waste Reduction Loan Guarantee Account.

Ch. 1446 (SB 904) Ellis. Cuyamaca Rancho State Park surplus property

Under existing law, the Department of Parks and Recreation has control of the state park system.

This bill would authorize the Director of General Services, with the consent of the department, to transfer 3 specified parcels of surplus property included in Cuyamaca Rancho State Park to the Cuyamaca Lake Recreation and Park District for park and recreation purposes and would make the district a state lead agency for specified purposes of the California Endangered Species Act This bill would provide that upon a breach of the use of the property as specified, the property would return to state ownership upon the state reentering the property.

Ch. 1447 (SB 1261) Seymour. School facilities. relocatable structures.

Existing law requires certain leased relocatable structures that are to be used for school purposes, as specified, for more than 3 years to conform to the structural standards of the so-called Field Act. Existing law exempts from this requirement trailer coaches that satisfy certain criteria, including the requirement that they are not expanded or fitted together with other sections to form one unit greater than 16 feet in width

This bill would revise this requirement to exempt manufactured homes and to permit, for purposes of this exemption, a maximum width of 24 feet.

This bill would require that any manufactured home that qualifies for this exemption meet specified installation requirements, thereby imposing a state-mandated local program as to manufactured homes that, as of the effective date of this bill, are in use for those purposes.

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

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

Ch. 1448 (SB 1277) Watson. Psychotherapists.

(1) Existing law does not require a licensed physician and surgeon, psychologist, clinical social worker, marriage, family, and child counselor, psychological assistant or psychiatric technician to report any misconduct suspected of another licensee.

This bill would require any psychotherapist, as defined, including the above licensees, or employer of a psychotherapist, to provide, and discuss with, a patient a specified brochure whenever the person becomes aware through a patient of sexual intercourse or sexual contact with a patient by or with a previous psychotherapist during the course of a prior treatment.

This bill would make it unprofessional conduct to fail to comply with these requirements.

(2) Existing law does not require the Department of Consumer Affairs to disseminate information for victims of sexual exploitation by any licensee of the Board of Medical Quality Assurance

This bill would require the department to prepare and disseminate a brochure for victims of psychotherapist-patient sexual contact and the victim's advocates, as specified.

Ch. 1449 (SB 1557) Dills Beverage container· advisory committee.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act establishes redemption values for beverage containers and requires the Department of Conservation to implement its provisions. Existing law requires the Beverage Container Recycling Advisory Committee to advise the Director of Conservation on beverage container recycling and provides that the members of the committee are subject to specified provisions concerning conflicts of interest by public officials.

This bill would repeal the provision which subjects the members of the committee to those conflict of interest provisions and would instead provide that if the Fair Political Practices Commission determines that members of the committee are not subject to these provisions, the members would be required to file statements of economic interest and would be prohibited from making, participating in, or influencing a governmental decision in which the member knows, or has reason to know, that the member has a financial interest.

(2) Existing law defines dealer, for purposes of the act, as excluding lodging, eating, or drinking establishments or soft drink vending machine operators. A beverage container sold by a dealer on or after October 1, 1987, is required to have a minimum redemption value.

This bill would revise the definition of dealer to specify that sales of beverages in beverage containers by these establishments or operators are subject to minimum redemption value requirements

The bill would also make related changes

(3) Existing law authorizes the Director of the Department of Conservation to adopt emergency regulations for the purpose of implementing specified provisions of the act

This bill would require the department to review regulations governing the labeling of beverage containers by June 30, 1988. The bill would make this provision inoperative on July 1, 1988, and would repeal it on January 1, 1989.

(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

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

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

specified lodging, eating, or drinking establishments and vending machine operators would become subject to provisions of the act concerning sales of beverage containers

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

(5) The bill would declare that it is to take effect immediately as an urgency statute

Ch 1450 (SB 1591) Presley. Corrections.

(1) Existing law authorizes the Director of General Services, with the consent of the Department of Corrections, to lease specified land to the City of Folsom for a period not to exceed 25 years.

This bill would increase that period to 50 years and specify that the lease may be for a police station, court house, or city hall

(2) Existing law authorizes the Director of Corrections to enter into an agreement with a city, county, or city and county, to permit the transfer of prisoners in the custody of the Department of Corrections to a jail or other adult correctional facility Existing law authorizes the director to transfer prisoners whose terms of imprisonment have been fixed to the facility where an agreement is in effect with respect to a particular local facility.

This bill would also authorize the transfer of parole violators where an agreement is in effect with respect to a local facility.

This bill would also authorize the Director of Corrections to enter into a long-term agreement not to exceed 20 years with a city, county, or city and county to place parole violators in a facility which is specially designed and built for the incarceration of parole violators and state prison inmates It would also require the applicable reimbursement rate to take into consideration all necessary and appropriate costs incurred by the contracting city, county, or city and county. The bill would authorize the lease of property for that purpose. The bill would require costs to be no greater than costs for facilities of the department.

The bill would similarly authorize the Department of the Youth Authority to enter into an agreement with a city, county, or city and county to permit the transfer of wards, including parole violators, to a local facility, and to enter into a long-term agreement to place parole violators in a facility specially designed and built for wards and parole violators subject to specified restrictions The bill would authorize the lease of property for that purpose.

(3) Existing law authorizes certain counties in which jail facilities are overcrowded, as specified, to contract for the construction or expansion of jail facilities without complying with certain requirements of the Public Contract Act

This bill would authorize any city or county that has agreed to the transfer of prisoners or wards to contract for the construction or expansion of facilities without complying with certain requirements of the Public Contract Act

(4) Existing law establishes the Robert B Presley Institute of Corrections Research and Training for purposes of developing and enhancing research, education, and training for corrections personnel

This bill would provide that the Robert Presley Institute's purpose is supporting research, and enhancing education and training for corrections personnel.

Under existing law, the institute's board is composed of 15 voting members, one of whom shall be appointed by the governing body of the University of California and 8 voting members constitutes a quorum

This bill would increase the number of voting members to 17 and would require 9 voting members for a quorum

This bill would authorize the President of the University of California to appoint one voting member, and would authorize the chancellor of an affiliated campus to serve as a voting member.

The bill would make related changes.

(5) The bill would require the Legislative Analyst to report to the Legislature on the cost effectiveness of the locally operated facilities authorized by the bill no later than March 1, 1991.

(6) Existing law requires that contracts let by the Department of Corrections for

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

specified work on a state prison facility have as a statewide participation goal of 13% minority business and 3% women business enterprises, as those terms are defined

This bill would require specified contracts relating to the transfer of prisoners or wards of the Youth Authority to local facilities awarded by any state agency, department, officer, or governmental entity for construction, professional services, materials, supplies, equipment, alteration, repair, or improvement to have statewide participation goals of not less than 15% for minority business and 5% for women business enterprises, as defined. This bill would require that in awarding contracts to the lowest responsible bidder, each awarding department shall consider the responsiveness of the bidder to these participation goals, and would require the awarding department to award the contract to the next lowest responsible bidder if the bidder fails to demonstrate a good faith effort in achieving these goals.

This bill would require each awarding department to establish a method for monitoring compliance with these requirements and would require each awarding department to adopt implementing rules and regulations. This bill would require each awarding department, commencing January 1, 1989, to submit an annual report to the Legislature and the Governor regarding the implementation of these participation goals.

Ch. 1451 (SB 1603) Garamendi. State Computer Emergency Data Exchange Program.

Under existing law, the Director of the Office of Emergency Services in the office of the Governor is required to, during a state of war emergency, a state emergency, or a local emergency, coordinate the emergency response activities of all state agencies in connection with the emergency.

This bill would require the Office of Emergency Services to establish a State Computer Emergency Data Exchange Program (SCEDEP) which would be responsible for the collection and dissemination of essential data for emergency management The bill would specify participating state agencies. The bill would require that SCEDEP facilitate communication between state agencies and make information readily accessible to city and county emergency services offices and would require the office to develop policies and procedures governing the dissemination of emergency information and to recommend or design appropriate software and programs necessary for emergency communication with city and county emergency services offices.

The bill would create the SCEDEP task force, as specified, to assess emergency computer systems and data centers available to state agencies and make recommendations, including a time schedule for implementing the program in the 1988–89 fiscal year. The bill would require the task force to complete its report and make specific recommendations for implementation of the program by August 31, 1988, to be received by the director of the office who would then be required to take appropriate action. The bill would specify the make-up of the task force.

This bill would appropriate $125,000 from the Disaster Response Emergency Operations Account in the Reserve for Economic Uncertainties to the Office of Emergency Services for the purposes of this bill.

Ch. 1452 (SB 998) Hart Education.

(1) Legislation that became operative in 1976 authorized the governing board of any school district to initiate and carry on any program, activity, or to act otherwise in any manner that is not in conflict with, or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts and community college districts are established Legislation enacted in 1986 specifies that, for purposes of that provision, "school district" includes county superintendents of schools and county boards of education.

The Education Code presently contains numerous provisions enacted prior and subsequent to those enactments that specifically prescribe the authority of any school district, county superintendent of schools, or county board of education to act in initiating and carrying on certain programs or activities or taking other actions.

This bill would delete many of those prescriptive provisions

The bill would authorize the State Department of Education to encourage among

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

school districts, county boards of education, and county superintendents of schools the implementation of the authority granted by that legislation, including the rendering of advisory opinions to those agencies, as specified, upon request.

(2) Existing law provides for the election of members of county boards of education and requires that the first election held pursuant to specified provisions be conducted by the county board of supervisors.

This bill would delete the provisions relating to the first election

This bill would expressly require that regular meetings of the board be conducted in accordance with the Ralph M. Brown Act

(3) Existing law authorizes county boards of education to establish regulations requiring the reporting of information related to crime, violence, and disruption on campuses or in programs and activities in which any school or community college is engaged, and to establish a uniform reporting system, as specified.

This bill would repeal those provisions

(4) Existing law, contained in the California Constitution, requires the county board of education or joint county board of education, as the case may be, to fix the salary of the county superintendent of schools or the joint county superintendent of schools, respectively

This bill would repeal provisions of the Education Code that prescribe the manner in which the salaries of the county superintendents of schools shall be computed.

(5) Existing law requires that the average daily attendance of pupils residing in any county and attending an elementary school or high school in an adjoining state be credited to the county school tuition fund of the county and reported by the county superintendent in his or her annual report to the Superintendent of Public Instruction who is required to include that average daily attendance in the report of average daily attendance in all the duly established schools of the state for the last preceding school year certified by him or her to the Controller

This bill would repeal those provisions.

(6) Existing law establishes in the county treasury of each county receiving federal funds for the education and care of Indian children, as specified, a special fund known as the county Indian school reimbursement fund

This bill would repeal the provisions relating to that fund.

(7) Existing law authorizes the county superintendent of schools to establish and maintain child development programs in the same manner and to the same extent as governing boards of school or community college districts

This bill, in addition, would expressly authorize the county superintendent to establish child development centers

(8) Existing law designates the State Department of Education as the proper state agency to accept, receive, and administer all funds, moneys, or library materials made available by the United States

This bill would specify that the California State Library is the proper state entity to perform those functions

(9) Existing law requires county superintendents of schools to submit a budget to the Superintendent of Public Instruction for the succeeding fiscal year on or before June 30 of each year.

This bill would require the county superintendent to submit to the Superintendent of Public Instruction a tentative budget on or before June 30 of each year and a final budget on or before October 1 of each year

(10) Existing law requires the Superintendent of Public Instruction to withhold from allowances made in the next succeeding fiscal year to a county school service fund the amount of any expenditure by a county superintendent of schools in excess of the amount set forth for the particular program of the approved budget of a county school service fund. Existing law prescribes the manner in which the Superintendent of Public Instruction, in approving submitted budgets, shall eliminate surpluses in the county school service fund.

This bill would repeal those provisions

(11) Existing law specifies that a year-round school operation or continuous school

---

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

program consists of a school schedule in which pupils in any one school are divided into groups of pupils who attend school in rotating shifts of sessions. Existing law specifies that those schedules shall consist of not less than 240 days per year in which the school is open and that, for purposes of state school support, a pupil shall attend school for not less than 175 days.

This bill would repeal those provisions.

(12) Existing law requires the county board of supervisors, upon petition relating to the formation of a library district, to order that an election be held in the proposed district for the determination of the question Existing law requires the board of supervisors to appoint 3 qualified electors to conduct the election.

This bill would delete the latter requirement and would require the board of supervisors to conduct the election.

(13) Existing law requires the board of trustees of a library district at its first meeting to cause to be made out and filed with the State Department of Education a certificate containing specified information.

This bill would require the certificate to be filed with the State Librarian.

(14) Existing law defines "single library system" for certain purposes and distinguishes between cooperative library systems and single library systems.

This bill would delete the definition of "single library system" and the provisions distinguishing between cooperative library systems and single library systems.

(15) Existing law establishes the Division of Libraries in the State Department of Education.

This bill would refer instead to a division known as the California State Library.

(16) Existing law requires the State Librarian to be in attendance at the library during office hours

This bill would repeal that requirement and would require and authorize the State Librarian to perform certain functions currently required or authorized to be performed by the State Department of Education

(17) Existing law contains an appropriation to the Division of Libraries for the purpose of providing toll-free telephone service during the 1978–79 fiscal year for registered patrons of the federally designated regional libraries for the blind and physically handicapped.

This bill would delete that appropriation and, instead, would authorize the State Librarian to provide toll-free telephone services for those patrons.

(18) Existing law authorizes Members of the Legislature and other state officers to take books from the State Library at any time.

This bill, instead, would authorize those persons to take books during regular office hours.

(19) Existing law excludes a person employed as a teacher-assistant under specified provisions of law from membership in the State Teachers' Retirement System and the Public Employees' Retirement System

This bill would specify that a person employed as a student teacher under those specified provisions is excluded from membership in the Public Employees' Retirement System.

(20) Existing law contains provisions relating to the transfer of assets from the Los Angeles Unified School District Retirement System and the Los Angeles Community College Retirement System to the State Teachers' Retirement System.

This bill would repeal those provisions.

(21) Existing law contains various provisions relating to the San Francisco local retirement system.

This bill would repeal some of those provisions.

(22) Existing law contains various provisions relating to the merger of the Los Angeles Unified School District with the State Teachers' Retirement System.

This bill would repeal some of those provisions

(23) Existing law requires the State Department of Education, as a condition to any contract with a private agency for educational services, to require a periodic audit of state and federal funds, as specified Current law requires the department to establish

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

a schedule for audits that meets federal regulations and that covers all contract periods from the last previous audit.

This bill would delete the requirement that the schedule for audits cover all contract periods from the last previous audit.

(24) Existing law requires any union high school district or joint union high school district to be so designated as part of its name

This bill would delete that provision

(24.5) Existing law authorizes any district superintendent of schools, or deputy, associate, or assistant superintendent of schools, to be elected for a term of 4 years

This bill would specify that the term is for no more than 4 years.

(25) Existing law authorizes the members of the governing board of each unified school district to elect a superintendent of schools for a term of not more than 4 years, who shall be executive officer and secretary of the governing board.

This bill would delete that provision

(26) Existing provisions of the Education Code require all meetings of the governing board of any school district to be open to the public

This bill would expressly require in the Education Code that the meetings be conducted in accordance with the Ralph M. Brown Act

(27) Existing law authorizes the governing board of any school district to execute any powers delegated by law to it or to the district of which it is the governing board and requires the board to discharge any duty imposed by law upon it or upon the district of which it is the governing board.

This bill would authorize the board to delegate to an officer or employee of the district any of those powers or duties This bill would specify that the governing board, retains ultimate responsibility over the performance of delegated powers and duties.

(28) Existing law authorizes the governing board of a school district maintaining a high school or high schools, a county superintendent of schools, the California Youth Authority, and the State Department of Education who maintain courses in driver education and automobile driver training to insure against any liability arising out of the use of motor vehicles in connection with those courses.

This bill would repeal that provision

(29) Existing law requires the governing boards of specified types of school districts to maintain certain types of schools and to conduct specified classes.

This bill would repeal those provisions

(30) Existing law requires the governing board of any elementary school district situated within a high school district maintaining a junior high school to permit pupils who have completed the 6th year of the elementary school to attend the junior high school, unless the district has withdrawn from the junior high school system maintained by the high school district.

This bill would repeal those provisions.

(31) Existing law provides that whenever the average daily attendance of pupils enrolled in the 1st 2 years of the junior high school of a district is less than 25 for any school year, the junior high school shall lapse

This bill would repeal that provision.

(32) Existing law contains provisions governing the procedure to be followed when any junior high school or system of junior high schools maintained by the governing board of a county, union, or joint union high school district is discontinued, as specified

This bill would repeal those provisions

(33) Existing law contains provisions requiring each high school district to establish and maintain at least one 4-year high school, or in lieu thereof, at least one junior high school, or if the high school district is situated within a community college district maintaining a 4-year community college, at least one junior high school providing for the education of pupils of grades 7 to 10, inclusive Existing law also prohibits a high school district from charging for tuition, except for specified nonresidents. Existing law specifies procedures to be followed relating to nonresident tuition Existing law requires the governing board of every district maintaining a high school, subject to space being available, to admit pupils regularly enrolled in nonpublic schools to enroll in vocational

---

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

and shop classes and in classes relating to the natural and physical sciences Current law prescribes the attendance accounting procedures for those pupils.

This bill would repeal those provisions.

This bill would authorize the governing board of a county, a high school district, a union high school district, or a joint union high school district to establish a junior high school or a system of junior high schools.

(34) Existing law requires the governing board of any school district, when so directed by a vote of the voters within the district, to purchase or improve school lands.

This bill would repeal that provision.

(35) Existing law prohibits the apportionment of state funds for a proposed school site construction within 2 miles of an operative airport runway if the State Department of Education does not favor the acquisition, as specified.

This bill would recast that provision and would pertain instead to a proposed site located within 2 miles of the center line of an active runway.

(36) Existing law requires the governing board of any school district having an average daily attendance of less than 10,000, before letting any contract for the preparation of plans and specifications for any construction or alteration of any school building, to consult the director of school building planning of the county, as specified. Current law also requires any school district having an average daily attendance of less than 10,000 to consult the director of school building planning on all matters relating to the construction of projects for which specified state funding was provided.

This bill would repeal those provisions

(37) Existing law contains provisions governing the lease or lease-purchase of sites, buildings, and facilities by the governing board of any school district whenever the school district is the lessee or purchaser and the lease or lease-purchase is not subject to specified constitutional provisions

This bill would repeal those provisions and would consolidate them with other provisions of existing law relating generally to lease and lease-purchase by a school district.

(38) Existing law contains provisions governing a board of appraisers, which is required to be appointed when the governing board of a school district exchanges its real property for real property of another person or private business firm

This bill would repeal those provisions.

(39) Existing law authorizes the transportation of guide dogs in a schoolbus if the guide dogs have been trained in schools licensed or approved by the California State Board of Guide Dogs for the Blind and accompanied by blind pupils enrolled in a public high school or by blind teachers employed in a public high school or community college or by persons employed by those licensed or approved schools to train the dogs.

This bill also would authorize the transportation of signal dogs or service dogs in a schoolbus, as specified.

(40) Existing law requires that wages, salaries, and benefits, including employer retirement contributions for all food service personnel, be paid from the general fund of the school district, and authorizes reimbursement to the general fund from the district's cafeteria fund for those purposes

This bill would authorize a school district, with the approval of the county superintendent of schools, to pay for food service, employee salaries, wage and benefit costs, and the costs of maintenance and operations from the cafeteria fund

(41) Existing law requires the county superintendent of schools to purchase United States flags and direct teachers to display the flags, as specified, if a board of school trustees of any school district refuses or neglects to purchase and display them

This bill would repeal those provisions

(42) Existing law requires the Superintendent of Public Instruction to make allowances for, among other things, reimbursement of child nutrition entities for all eligible meals. Existing law requires the computation of the district contribution for purposes of these meals

This bill would change the reference from eligible meals to free and reduced-price meals and would delete the provisions pertaining to the district contribution.

(43) Existing law contains provisions pertaining to the foundation program of state

---

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

financial school support.

This bill would repeal those provisions and other obsolete provisions relating to school finance.

(44) Existing law requires the governing board of each school district maintaining a high school or high schools, each county superintendent of schools, the California Youth Authority, and the State Department of Education to report annually to the county superintendent of schools and to the Superintendent of Public Instruction information required for the computation of the excess cost incurred in the instruction of pupils in automobile driver training. The Superintendent of Public Instruction is required to determine the amount of excess cost of that instruction. Current law defines "excess cost" for these purposes.

This bill would change the references from "excess cost" to "total direct and direct support cost."

(45) Existing law provides for an amount in the budget of a school district known as the "undistributed reserve "

This bill would change that reference to "appropriation for contingency."

(46) Existing law requires the governing board of any school district that has established a revolving cash fund pursuant to specified provisions of law to designate a person or persons who shall be authorized to make immediate payments by check, drawn on the revolving cash fund, for purchases in an amount of $200 or less, including tax and freight

This bill would increase the limit to $1,000

(47) Existing law authorizes the governing board of a school district to make awards to employees for specified purposes

This bill would authorize the governing board of a school district to make awards to pupils for excellence.

(48) Existing law authorizes the governing board of a school district to adopt rules permitting certificated employees to use sick leave in cases of compelling personal importance, not to exceed 6 days in a school year. Existing law also limits the use of accumulated leave for personal necessities to 6 days in any school year

This bill would repeal those provisions.

(49) Existing law governs the computation of the average daily attendance of physically handicapped pupils given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund.

This bill would repeal those provisions and would provide for the calculation of the average daily attendance of individuals with exceptional needs given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund.

(50) Existing law governs attendance requirements of physically and educationally handicapped pupils

This bill would repeal those provisions and would prescribe attendance requirements for individuals with exceptional needs.

(51) Existing law authorizes the assignment of a minor to a vocational course in a place of employment, in lieu of the regular school course.

This bill would repeal those provisions.

(52) Existing law requires that an individualized education program required as a result of an assessment of a pupil with exceptional needs be developed within a total time, not to exceed 50 days, not counting days in July and August, from the date of receipt of the parent's written consent for assessment, as specified

This bill would, instead, exclude days between school sessions or terms from that time period

(53) Existing law provides that the State Board of Education shall encumber part of the State Instructional Materials Fund to pay for the costs of instructional materials to be loaned to nonpublic school pupils, as specified.

This bill would delete that provision.

(54) Existing law requires the Controller to transfer a specified amount from the General Fund of the state to the State Instructional Materials Fund annually.

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

This bill would provide that the amount so transferred includes the designated percentage of the cash entitlements to be used to pay for unadopted state materials, tests, and in-service training

(55) Existing law provides that the Superintendent of Public Instruction shall loan specified items to pupils entitled to attend public schools but in attendance at a school other than a public school

This bill would repeal those provisions

(56) This bill would also make other changes by repealing other obsolete provisions and revising or clarifying other provisions, including the transfer and reenactment of numerous provisions in the Education Code, Elections Code, Public Contract Code, Public Resources Code, and Welfare and Institutions Code.

(57) This bill would incorporate the changes of SB 798 in Sections 44882 and 44883 of the Education Code, if both this bill and SB 798 are chaptered, and this bill is chaptered last.

(58) This bill would also make certain declarations of intent respecting the enactment of this bill.

Ch. 1453 (SB 1024) Vuich State government. disclosure of information

(1) The Information Practices Act of 1977 restricts disclosure of personal and confidential information which is contained in public records and which would otherwise be public, as specified.

Existing law prohibits state agencies, as defined, from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains, unless the disclosure of the information is authorized pursuant to the requirements of current law Existing law authorizes information to be disclosed to a person or other agency if the transfer is necessary for the transferee agency to perform its constitutional or statutory duties, and the use complies with the requirements of current law

This bill would provide that with respect to information transferred to a law enforcement or regulatory agency, as defined, or information transferred to another law enforcement or regulatory agency, the use is compatible with the requirements of current law if the use of the information requested is needed in an investigation of unlawful activity under the jurisdiction of the requesting agency or for licensing, certification, or regulatory purposes by that agency

The bill would also authorize disclosure by a construction lender, as defined, to the Registrar of Contractors, of information concerning the making of progress payments to a prime contractor requested by the registrar in connection with a specified investigation

Existing law authorizes the transfer of information to a law enforcement agency when required for an investigation of unlawful activity, unless the disclosure is otherwise prohibited by law

This bill would authorize a disclosure to a law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes, unless otherwise prohibited by law

Existing law requires each agency to keep an accurate accounting of the date, nature, and purpose of each disclosure of a record made pursuant to specified provisions of current law

This bill would provide that for the purpose of an accounting of disclosure for law enforcement and regulatory agency purposes, it shall be sufficient for a law enforcement or regulatory agency to record the date of disclosure, the law enforcement or regulatory agency requesting the disclosure, and whether the purpose of the disclosure is for an investigation of unlawful activity under the jurisdiction of the requesting agency, or for licensing, certification, or regulatory purposes by that agency

(2) Existing law authorizes the Superintendent of Banks at his or her discretion at any time to furnish to the Comptroller of the Currency, the Federal Reserve Bank, the Federal Deposit Insurance Corporation, or equivalent agencies, or, if the bank is a member of the Federal Home Loan Bank, to the Federal Home Loan Bank or its board, copies of any examination of a bank or trust company made pursuant to the provisions of current law Existing law also authorizes the superintendent to disclose information

---

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

with reference to the condition or affairs of any bank or trust company

This bill, instead, would authorize the Superintendent of Banks to furnish information to a governmental agency that regulates financial institutions. This bill would authorize the superintendent to furnish to a governmental agency that administers a loan guarantee or similar program, information relating to a person who participates in the program This bill would authorize the superintendent to furnish to a governmental agency that regulates business activities other than those relating to financial institutions, information relating to: (a) a suspected violation of a law administered by the agency, or (b) a person involved in an application to the agency for a license, approval, or other authorization This bill would also authorize the superintendent to furnish to a law enforcement agency, information relating to a suspected crime.

(3) Existing law relating to the disclosure of public records by state and local agencies provides that before a disclosure of an otherwise exempt public record by a state or local agency to a federal agency is made, the federal agency shall agree in writing, to comply with the requirements of current law applicable to these disclosures.

This bill would delete this requirement.

Existing law relating to the disclosure of public records which are exempt from the public record requirements of current law provides that whenever a state or local agency discloses a record which is otherwise exempt from the public record requirements this shall constitute a waiver of its confidential nature.

This bill would provide that the above provision is not applicable to disclosures which are made to any governmental agency which agrees to treat the disclosed material as confidential This bill would specify that only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. This bill would provide that any information obtained by these agencies shall only be used for purposes which are consistent with current law This bill would also provide that the above provision is not applicable to records relating to a financial institution or an affiliate, if the disclosures are made to the financial institution or affiliate thereof by a state agency responsible for the regulation or supervision of the financial institution or affiliate.

(4) Existing law relating to the confidentiality of, and access to, financial records by governmental agencies defines the term "supervisory agency" for purposes of these provisions as including designated state agencies.

This bill would include the Department of Real Estate and the Department of Insurance among these supervisory agencies.

Existing law provides that, except as otherwise specified, no officer, employee, or agent of a state or local agency or department, in connection with a civil or criminal investigation of a customer, whether conducted pursuant to formal judicial or administrative proceedings or not, may receive or request copies of, or the information contained in, the financial records of any customer of a financial institution unless, among other things, the customer has authorized that disclosure, as specified

Existing law provides that nothing in the provisions of current law relating to governmental access to financial records prohibits designated state agencies and law enforcement agencies from requesting of an office or branch of a financial institution, and the office or branch from responding to a request, as to whether a person has an account or accounts at that office or branch, and, if so, any identifying numbers of any accounts.

This bill would include supervisory agencies among the agencies authorized to make and receive information relating to these requests.

(5) Existing law authorizes the head of each state department to make investigations and prosecute actions concerning business matters and subjects under its jurisdiction, and any violation of laws, rules, or orders of the department, and other matters as provided by law Existing law authorizes the divulging of evidence of unlawful activity discovered pursuant to these provisions from records or testimony not otherwise privileged and confidential, to the Attorney General or to any prosecuting agency responsible for investigating the unlawful activity discovered.

This bill would also authorize the divulging of evidence of unlawful activity discovered to any governmental agency responsible for enforcing laws relating to the unlawful

---

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

activity discovered.

Ch 1454 (SB 1057) Vuich. Hospitals.

Existing law relating to hospital districts requires the board of directors to let to the lowest responsible bidder any contract involving an expenditure of more than $10,000 for work to be done or for materials and supplies to be furnished, sold, or leased to the district.

This bill would increase the amount of contracts requiring bidding to more than $20,000 for materials and supplies to be furnished, sold, or leased to the district.

Ch. 1455 (SB 1134) Royce. 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 requires 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 specify that if a married individual expends his or her resources for expenses associated with or for improvements to property, the expenditures shall be considered to be for his or her own benefit only to the extent the expenditures are proportionate to the ownership interest the individual has in the property

Under existing law, applicants for, or recipients of Medi-Cal, or persons acting on their behalf, are required to be informed as to the provisions of eligibility and their responsibility for reporting facts material to a correct determination of eligibility and share of cost.

This bill would require that the notification of the responsibility to report material facts be in writing

Under existing law, the parents of a person under 21 years of age shall not be held financially responsible for health care or related services to which the person may consent under certain provisions of law, including authorization for any married minor, or any minor whose marriage was subsequently subject to judgment of dissolution, to contract for, and consent to, the furnishing of hospital, medical, and surgical care to the minor.

This bill would specify that the parents of a person under 21 years of age who is living in the home of the parent or parents shall be held financially responsible for specified health care or related services to which that person consents

Existing law provides that certain provisions, applicable to public social services for which grants-in-aid are made to the counties, be administered in a specific manner to ensure that the recipient is informed as to provisions of eligibility and informed of his or her responsibility to promptly report facts or changes of facts for purposes of determining eligibility or continued eligibility. Under these provisions, a procedure is provided for determining whether overpayments have occurred and for recovering overpayments Existing law provides that the above-described provisions be applied in determining the liability of any person to repay the cost of health care received by him or her during any period of ineligibility under the Medi-Cal program.

This bill would repeal the latter provision which makes reference to the above-described law and instead add similar provisions with specific procedures for determining and recovering overpayments under the Medi-Cal program

Ch. 1456 (SB 1140) Royce. Health facilities.

Under existing law, provisional licenses are not authorized for clinics, health facilities and long-term health facilities with certain exceptions for licensees under the California

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

Adult Day Health Care Act and for home health agencies.

This bill would authorize these provisional licenses, as specified

Under existing law, intermediate care facilities/developmentally disabled-habilitative (ICF/DDH) are subject to the Health Data and Advisory Council Consolidation Act.

This bill would provide that these facilities are not subject to that act

Under existing law, there is no requirement that an ICF/DDH designate a direct care staff person to supervise direct care services to clients.

This bill would establish the requirement and the criteria to become the supervisory staff person, as specified.

Under existing law, the State Department of Health Services has general authority to adopt regulations That department and the State Department of Developmental Services do not have the authority to jointly develop licensing and Medi-Cal regulations relating to ICF/DDH

This bill would give the authority for both departments to jointly develop and implement these regulations, as specified, and would delete certain provisions that did not become effective.

Ch. 1457 (SB 1191) Petris. Public postsecondary educational facilities.

(1) Existing law authorizes the State Public Works Board to finance the construction or renovation, and the equipping, of instructional facilities and related instructional laboratory and support space within the University of California, the California State University, the California Maritime Academy, and the community college districts, as specified It authorizes the board to lease-purchase those 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 community college districts

Existing law also specifies that new projects may be authorized for this purpose only through June 30, 1989.

This bill would change that date to June 30, 1994

(2) Existing law authorizes the State Public Works Board, subject to statutory approval, to finance the acquisition of equipment, or construction, renovation, and equipping of facilities, or both, on sites within the University of California, the California State University, the California Maritime Academy, or the community college districts, utilizing lease or lease-purchase agreements

This bill would specify that those sites are to be owned by, or subject to a lease or option to purchase held by, the appropriate educational institution

(3) This bill would state the legislative intent that, prior to the appropriation of moneys for specified higher education capital expenditures, consideration be given to funding those purposes from general obligation bond proceeds or the Capital Outlay Fund for Public Higher Education.

Ch 1458 (SB 1195) Marks. Affidavit of registration: confidentiality.

Existing law provides that no person shall be registered as a voter except by affidavit of registration.

This bill would provide that an affidavit of registration in possession of an elections official for filing purposes shall be a public record It would provide further that a person who has filed with the county clerk or registrar of voters an affidavit of registration may have his or her residence address and telephone number, or any list or roster prepared therefrom, declared confidential by order of the superior court upon a showing of life-threatening circumstances to the voter or a member of the voter's household. It would also provide that a person granted confidentiality shall be considered an absent voter for all subsequent elections or until the clerk or registrar is notified otherwise by the court or in writing by the voter

Existing law requires the clerk to furnish, upon request, no more than 2 copies of the printed index of the registration of voters for the primary and general elections to legislators, candidates, and campaign committees for the election at which a candidate will participate or a ballot measure will be voted on

Existing law also requires the county clerks to send to the Secretary of State a summary

---

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

statement of the number of voters in each county according to a specified schedule. It requires the Secretary of State to make the information available to various candidates and committees, and to any person for election or governmental purposes as determined by the Secretary of State.

This bill would impose a state-mandated local program by imposing misdemeanor penalties upon any person in possession of information obtained pursuant to the above provisions from the clerk for election purposes, or from the Secretary of State for election, scholarly or political research, or governmental purposes, who uses or permits the use of that information for other purposes, or who furnishes that information to another unless the information is furnished for election, scholarly or political research, or governmental 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 provide that no reimbursement is required by this act for a specified reason.

Ch. 1459 (SB 1219) Presley Child abuse reporting

Existing law requires certain categories of persons, including child care custodians, health practitioners, and employees of a child protective agency, as defined, to report known or suspected instances of child abuse, as specified A failure to so report is a misdemeanor.

This bill, among other things, would specify certain acts that are included within the definition of the sexual abuse component of the definition of child abuse. The bill also would include optometrists within a class of persons who are required to make reports concerning child abuse. As these requirements would revise the definition of a crime, as well as increase the number of the reports of child abuse required to be processed by child protective agencies, it would create a state-mandated local program

The bill also would revise procedures regarding the reporting of child abuse; would make clarifying revisions in these provisions, including consolidating definitions of various terms employed in those provisions; and would provide that while county welfare departments must respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days an in-person response to reports of child abuse, neglect, or exploitation is not required under specified conditions

The California Constitution requires 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 for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide costs do not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1460 (SB 1243) Vuich Farmworker housing grants.

Under existing law, the Farmworker Housing Grant Fund is continuously appropriated to the Department of Housing and Community Development to make specified grants for farmworker housing and to defray the department's costs in administering the program. These grants may be made to local public entities and nonprofit corporations for the construction or rehabilitation of housing for agricultural employees and their families and of related support facilities, and may include land acquisition costs.

This bill would authorize disbursal of these grants, at the request of the local public entity or nonprofit corporation supervising the rehabilitation program, to agricultural employees who are participants in the grant-funded program.

Existing law, which will be repealed January 1, 1989, authorizes the Department of Housing and Community Development to make grants from the continuously appro-

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

priated Emergency Housing and Assistance Fund to local governments and nonprofit organizations to provide emergency or temporary housing for the homeless, as specified.

This bill would preclude prescribed participation in the grant-application review process by the applicant. The bill would make revisions in the grant award process and require fair geographical distribution of the grants

Ch. 1461 (SB 1301) Campbell. Weapons

(1) Existing law makes it a felony for any person in this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or give, lend, or possess certain listed weapons and related items

This bill would include in that listing any camouflaging firearm container, as defined, thus creating a state-mandated local program by expanding the definition of an existing crime

(2) Under existing law, the unlawful concealed carrying upon the person or within the vehicle of the carrier of the above listed weapons and related items is considered a nuisance Existing law sets forth a procedure for the disposition of these weapons including the sale of the weapon, and if the weapon is not of the type that can be sold to the public generally or is not sold, then the destruction of the weapon. Existing law also sets forth separate provisions requiring the destruction of other enumerated weapons, which are deemed nuisances, in all instances, except upon the certification of a judge or of the district attorney.

This bill would include cane guns or wallet guns, firearms which are not immediately recognizable as firearms, camouflaging firearm containers, and certain ammunition, bullets, and explosive substances, which are all currently subject to sale, within the provisions requiring the destruction of weapons, in all instances, except upon the certification of a judge or of the district attorney

This bill would incorporate additional changes in Section 12028 of the Penal Code, proposed by AB 1680, to be operative only if AB 1680 and this bill are both chaptered and become effective January 1, 1988, 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. 1462 (SB 1371) Seymour Crimes.

(1) Existing law provides that every person who has a prior conviction for designated offenses who commits one or more of those offenses against a person who is, among other things, 65 years of age or older, shall receive a 2-year enhancement for each violation in addition to the sentence prescribed by current law

This bill would include 1st degree burglary, as defined, among these offenses.

(2) Existing law authorizes a court to order restitution to a victim of a crime.

This bill would specifically authorize restitution for the specified cost of treatment, as a condition of probation, when a defendant is convicted of assault, battery, or assault with a deadly weapon on a victim 65 years of age or older, as specified

The bill would provide that the defendant shall be entitled to a hearing concerning any modification of the amount of restitution based on cost of specified treatment subsequent to the issuance of an order of probation.

Existing law provides for the establishment of the Office of Criminal Justice Planning and specifies the powers and duties of the office

This bill would make various legislative findings and declarations relative to crimes against the elderly and would state the legislative intent that victim services, crime prevention, and criminal justice training programs funded by the Office of Criminal Justice Planning shall include, consistent with available resources, specialized components that respond to the diverse needs of elderly citizens

Existing law provides for the California Community Crime Resistance Program to combat crime and juvenile delinquency, under the Office of Criminal Justice Planning.

Existing law restricts the activities of the program to include, among other things, the

---

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

support of the development of a coordinated service network for local victim-witness assistance programs, sexual assault programs, gang violence reduction programs, drug suppression programs, and similar programs.

This bill would also require the program to coordinate service networks among these programs and elderly care custodians and state and local elderly service programs.

Existing law requires the California Community Crime Resistance Program to carry out various activities which are deemed, in the judgment of the Office of Criminal Justice Planning, to be consistent with available resources, including crime prevention programs for the elderly.

This bill would require these crime prevention programs for the elderly to cover specified areas This bill would also provide for the establishment of programs devoted to crime and delinquency prevention through the establishment of partnership initiatives utilizing elderly and juvenile volunteers

Existing law requires all approved programs under the California Community Crime Resistance Program to utilize volunteers to assist in the programs.

This bill would require programs providing elderly crime prevention programs to recruit senior citizens to assist in providing services

Existing law requires communities selected to receive funding under the California Community Crime Resistance Program to meet designated criteria in that selection process, including the number of elderly citizens residing in the community

This bill would require consideration of the number of elderly citizens residing in the community compared to the degree of service to be offered by the program for the elderly population.

Ch 1463 (AB 239) Moore Taxation. disallowance of deductions· ordinary and necessary business expenses

Existing Personal Income Tax Law and Bank and Corporation Tax Law allows a deduction from gross income for ordinary and necessary expenses paid or incurred in carrying on any trade or business

This bill would disallow a deduction for expenses, as defined, incurred by a taxpayer in connection with a club, as defined, which restricts membership or the use of its services or facilities on the basis of age, sex, race, religion, color, ancestry, or national origin.

Existing provisions of the Alcoholic Beverage Control Act provide that any violation of any provision of the act for which another penalty is not specifically provided in the act is a misdemeanor

This bill would add to that act a requirement that a club licensee, as defined, which discriminates, as specified, provide on each receipt furnished to a taxpayer a printed statement stating that expenditures covered by the receipt are nondeductible This bill would, therefore, mandate a new program or higher level of service on local government by creating a new crime for a failure to provide the required receipt

This bill would declare that it is not intended to affect the tax-exempt status of any church or other organization which is exempt from taxation under specified provisions of the Bank and Corporation Tax Law

This bill would declare that it is not intended that any inference be drawn as the result of the bill's enactment that the Legislature intended to preclude the adoption of administrative regulations by the Franchise Tax Board which disallow business deductions on public policy grounds with respect to expenses incurred before the bill's operative date.

The California Constitution requires 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 a tax levy. However, its provisions would apply to the computation of taxes for taxable and income years commencing on and after January 1, 1990

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

Ch. 1464 (AB 943) Seastrand. Vehicles: nonreflectorized license plates

Existing law requires the Department of Motor Vehicles to issue reflectorized environmental license plates.

This bill would permit applicants for environmental license plates to request either reflectorized or nonreflectorized plates without payment of any fee in addition to that required for environmental plates, and would state legislative intent with regard to financing that option.

Ch. 1465 (AB 1581) Baker. Bank and corporation taxes: cooperative or mutual associations: deductions.

Under the Bank and Corporation Tax Law, associations organized and operated in whole or in part on a cooperative or mutual basis are permitted a deduction in computing taxable income for all income resulting from or arising out of business activities for or with their members carried on by them or their agents, with certain exceptions.

This bill would provide that the above deduction applies to income resulting from a credit union's investment of surplus member savings capital, as defined, in investments permitted for credit unions pursuant to specified statutes.

This bill would take effect immediately as a tax levy; however, its provisions would be applicable in the computation of taxes for income years commencing on or after January 1, 1988

Ch. 1466 (AB 2668) Chandler Counties: state reimbursement: Sierra County.

Existing law, until January 1, 1988, authorizes counties with various specified population levels at the time of the 1980 census and which are responsible for the cost of a hearing or trial involving homicide, to apply to the Controller for reimbursement at various specified rates. On and after January 1, 1988, counties may apply for reimbursement at a specific flat rate.

This bill would require the Controller, notwithstanding the above, and related provisions, to reimburse Sierra County for costs incurred in the 1986–87 and 1987–88 fiscal years as a result of contracts for county counsel services and would appropriate $58,000 from the General Fund to the Controller for that reimbursement. This bill would make this requirement inoperative on June 30, 1989, and would repeal it as of January 1, 1990.

The bill would state that there are unique circumstances in Sierra County necessitating a special law.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1467 (AB 944) Seastrand Department of Commerce study.

Under existing law, the Department of Commerce is the state agency responsible for, among other things, conducting continuing studies of the proper orderly growth of industry and economic development in this state

This bill would require the department to conduct, or contract to conduct, a study of the growth of commercial nonprofit organizations and their impact, if any, on California's small business community. The bill would require the department to complete the study by June 30, 1988, and submit its findings and recommendations to the Governor, the Senate Committee on Rules, and the Speaker of the Assembly.

The bill would require the department to create an advisory task force comprised of specified members to, until June 30, 1988, or until completion of the study, provide input to the study and would authorize the director of the department to solicit private and public funds to pay for task force member expenses

Ch 1468 (AB 1782) Hughes. Schools: certificated employees: district interns.

Existing law requires the Commission on Teacher Credentialing to issue designated Specialist Instruction Credentials, upon direct application by qualified applicants, as specified.

This bill would repeal this requirement.

Existing law requires the Commission on Teacher Credentialing to issue teacher trainee certificates authorizing persons employed by any school district maintaining grades 9 to 12, inclusive, or maintaining grades 6 to 8, inclusive, in a departmentalized

---

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

program, to provide classroom instruction to pupils in those grades in accordance with the requirements of specified provisions of current law Existing law provides that a teacher-training certificate is valid for 2 years

This bill would, instead, require the commission to issue district intern certificates authorizing the holders to teach in kindergarten or grades 1 to 12, inclusive, or classes in bilingual education. The certificate would be valid for 2 years, except that certificates that authorize the holder to teach a bilingual education class would be valid for 3 years.

This bill would require that a person seeking an intern certificate to teach bilingual education classes demonstrate that he or she meets the oral language component of the assessment program leading to the bilingual-crosscultural certificate of competence.

Existing law requires that the commission inform each school district, by August 1, 1984, regarding teacher trainee options, and requires that the commission report to the Legislature, as specified Existing law authorizes the commission to suggest alternative models of professional development plans for teacher trainees, as specified, for consideration and adoption by school districts.

This bill would delete these provisions and would require, instead, that the commission, on or before July 1, 1988, adopt standards related to the quality of the training, support, evaluation, and performance of district interns, as specified, and that the commission, commencing July 1, 1989, periodically review school district intern programs on the basis of these standards, as specified The bill would state that the commission is not authorized to approve district intern programs The bill would require the commission, on or before March 15, 1988, to inform all school districts in the state of the district intern option and to disseminate its recommended standards to all districts.

Existing law requires the commission to study the effectiveness of the certificated teacher trainee program and to report its findings to the Legislature on or before January 1, 1987

This bill would, instead, require the commission to study the effectiveness of the district intern program and to report its findings on or before January 1, 1993

Existing law requires that teacher trainees teach only with the assistance and guidance of certificated employees who have been classified as mentor teachers

This bill would, instead, make those requirements applicable to district interns and, in addition, would authorize district interns to teach with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board in consultation with the exclusive teacher representative unit or by designated personnel employed to supervise student teachers

Existing law requires that upon successful completion of 2 years of service as a teacher trainee and upon the recommendation of the governing board, the commission shall award clear credentials to the teacher trainee, as specified, unless the commission determines that substantial evidence exists that the teacher trainee is unqualified to teach.

Existing law also provides that it is the intention of the Legislature that, upon recommendation of the governing board and notwithstanding certain provisions of existing law relating to the minimum requirements for specialist instruction credentials, teacher trainees shall be issued clear credentials, rather than preliminary credentials, upon the completion of 2 years of successful service as a teacher, as specified.

This bill would, instead, provide that upon successful completion of service as a district intern, as specified, and upon the recommendation of the governing board the commission shall award clear credentials to district interns, as specified.

Existing law authorizes the governing board to recommend to the commission that a teacher trainee, after completion of 2 years of service, be credentialed, as specified

This bill would, instead, authorize the governing board to so recommend credentialing of a district intern, and would also provide that upon completion of 3 years of service for those teaching in bilingual classes, the governing board may recommend to the commission that the district intern be credentialed, as specified

Existing law requires any governing board of any school district that elects to employ certificated teacher trainees to develop and implement a professional development plan for each teacher trainee in consultation with an accredited institution of higher learning

This bill would, instead, make this requirement applicable to governing boards that

---

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

employ district interns and would expand the required contents of the plan to include 2 options of mandatory preservice training and orientation, instruction in child development and in the culture and methods of teaching bilingual children, as specified.

This bill would require reimbursement of each district intern and each teacher assigned to supervise the district intern during preservice training, to be compensated for the preservice period, as specified.

Ch. 1469 (AB 2144) Filante Property taxation· welfare exemption.

Existing property tax law provides for a partial exemption from taxation for property used exclusively for housing and related facilities of which some but not all of the property is used for housing and related facilities for low- or moderate-income elderly or handicapped families.

This bill would provide an additional partial exemption from taxation under the welfare exemption for property used exclusively for rental housing and related facilities which, in part, are occupied by lower-income households if specified criteria are met.

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 become operative for the 1988–89 fiscal year and each fiscal year thereafter.

Ch. 1470 (AB 2594) Agnos. Medi-Cal.

Existing law provides basic health care to certain qualified low-income persons pursuant to the Medi-Cal program, which is administered by the State Department of Health Services.

Existing law requires the California Medical Assistance Commission to negotiate contracts with hospitals for the provision of in-patient hospital services under the Medi-Cal program, with these contracts to be binding upon the State Department of Health Services

Under existing law, the commission is required to consider certain factors in negotiating those contracts or in drawing specifications for competitive bidding

This bill would require the commission to give special consideration to the reimbursement issues faced by hospitals caring for Medi-Cal beneficiaries who are receiving treatment for acquired immune deficiency syndrome (AIDS).

The bill would also require the department to develop an expedited review process to examine the effectiveness of investigational drugs and investigational services, and their eligibility for Medi-Cal reimbursement

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1471 (SB 522) Russell. Sales and use taxes: exemptions. vehicle modified for physically handicapped persons.

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. It exempts from those taxes items and materials when used to modify a vehicle for physically handicapped persons.

This bill would additionally exempt from state and local sales and use taxes, in the case of a sale of a modified vehicle for physically handicapped persons to a disabled person who is eligible to be issued a distinguishing license plate or placard for parking purposes, the gross receipts attributable to that portion of the vehicle which has been so modified.

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.

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

Ch. 1472 (SB 739) Mello. Community Parklands Fund: appropriation

Under existing provisions of the Community Parklands Act of 1986, money in the Community Parklands Fund is available for appropriation for grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, or historical resources preservation purposes.

This bill would amend and supplement the Budget Act of 1987 to appropriate $194,000 from the fund to the Department of Parks and Recreation for a local assistance grant to the County of Santa Cruz.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1473 (SB 1347) Roberti. Optometry.

Existing law provides that a person who has a degree in optometry issued by a university located outside of the United States and meets other specified requirements shall be admitted to take the examination for a certificate of registration as an optometrist. However, the law also provides that the State Board of Optometry may prohibit the person from taking the examination if, in the opinion of the board, the course of instruction received at the foreign university was not reasonably equivalent to that required of applicants for the examination who have graduated from a college or university located in the United States.

This bill would, commencing January 1, 1991, eliminate the latter provision with respect to the board prohibiting a person from taking the examination.

The bill would also, until January 1, 1992, authorize a graduate of a foreign university, as specified, qualifying for examination under that provision, and who has passed a specified national examination, to take the examination for registration as an optometrist, as specified

Ch. 1474 (SB 1406) Watson Psychotherapy· sexual exploitation.

Existing law makes no provision for a cause of action based specifically upon sexual contact by a psychotherapist.

This bill would provide such a cause of action, as specified. With specified exceptions, evidence of the plaintiff's sexual history would not be subject to discovery or admissible as evidence.

Ch 1475 (SB 1411) Bergeson Highways: local funding: reimbursement.

Under existing law, the California Transportation Commission, in the 5-year state transportation improvement program, establishes the sequence for state highway projects and the sources of funding therefor.

Federal laws authorize the federal share of certain highway projects to be paid to a state when additional funds are apportioned to the state, if the state, without the aid of federal funds, constructs a project in accordance with all federal requirements, subject to the state's apportionment of federal funds.

This bill would authorize specified local transportation agencies, with the concurrence of the commission and the Department of Transportation, to provide the funds to prevent a delay in the delivery of any project in the state transportation improvement program caused by a shortage of state and federal funds for the project.

The bill would establish procedures for reimbursing the local agency for the funding it provides, and for obtaining federal reimbursement. The bill would require the department to recommend, and the commission to adopt, guidelines and procedures to further implement the bill's provisions

Ch. 1476 (SB 1458) Keene. Health: facilities and professionals.

Under existing law, the State Department of Health Services is not authorized to provide grants or technical assistance to strategically located high-risk rural hospitals to assist them in carrying out an assessment of potential business and diversification of service opportunities

This bill would authorize the department to provide these grants or assistance.

The bill would specify that any small and rural hospital may apply to the California Health Facilities Financing Authority for consideration under special eligibility pro-

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

grams under certain circumstances.

The bill would require the department to conduct a study at one of these hospitals on the feasibility of a rural alternative hospital, and to seek appropriate waivers from the federal Health Care Financing Administration.

The bill would require, notwithstanding any other provision of law, that small and rural hospitals be paid certain rate adjustments for outpatient services under the Medi-Cal Act for the 1987–88 fiscal year, as provided. This bill would reappropriate certain funds in the Budget Act for Medi-Cal to the department for these purposes.

Under the Budget Act of 1987, certain funds appropriated for the Medi-Cal Act are required to be spent for rate increases for noncontract small and rural hospitals, as defined.

This bill would delete the requirement that the Budget Act funds be so spent.

Ch. 1477 (SB 1590) Presley Documents· vital statistics.

Existing law provides that the failure to print specified information on a deceptive identification document when the person knows or reasonably should know that the document will be used for fraudulent persons is a misdemeanor.

This bill would make the above violation either a misdemeanor or a felony.

Existing law defines "affidavit" and "documentary evidence," for purposes of administrative procedures to establish a record of birth

This bill would revise those definitions.

Existing law permits only one affidavit for birth registration when the date of application for the registration is less than 7 years following the date of birth.

This bill would, instead, require the same information for birth registration when the date of application is 7 years or more following the date of birth.

Existing law makes it a misdemeanor to willfully alter specified documents.

This bill would in addition make it a misdemeanor to knowingly possess more than one altered document

Existing law provides for a civil penalty of $500 for willfully making or filing or causing to be made or filed a false certificate or affidavit, as specified

This bill would increase the penalty to $5,000

Existing law makes it a misdemeanor for a person to manufacture, produce, sell, offer, or transfer, or to perform various acts with respect to or to possess false or counterfeit certificates of birth or baptism or to possess a genuine certificate with intent to misrepresent or conceal his or her identity.

This bill would limit the above offense as it relates to the manufacture, sale, production, offer, or transfer of birth certificates or certificates of baptism to cases where there is also an intent to deceive and would also make that offense either a misdemeanor or a felony. It would also make conforming changes with respect to the tolling or extending of the statute of limitations.

The bill would impose a state-mandated local program by creating a new crime and by increasing the penalties for specified existing crimes.

This bill would incorporate additional changes in Section 803 of the Penal Code, proposed by AB 1956, to be operative only if both bills are chaptered and become effective on or before January 1, 1988, 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. 1478 (SB 1674) Marks. Public records: sources of pay data.

Existing law makes specified public records subject to disclosure to the public.

This bill would exempt from public disclosure the identity of private industry employers when private industry wage data is collected by, or otherwise furnished to, a city and county or a joint powers agency by the federal Bureau of Labor Statistics, as specified, for salary setting purposes if the wage data is provided on the basis that the identity of private industry employers remains confidential. This bill would also preclude the iden-

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

tity of private industry employers in these cases from being admitted into evidence in any action or special proceeding.

Ch. 1479 (AB 7) Farr. California Film Office. [37]

(1) Existing law provides for the California Film Office, whose duties, among others, include conducting workshops to assist local governments to adopt uniform permit procedures for the film industry.

This bill would state legislative findings and declarations and would require the office to enact a Cooperative Motion Picture Marketing Plan for the purpose of promoting and marketing the State of California, especially lesser known and underutilized rural areas, for motion picture production and its related activities and to expand and upgrade the location resource library to include a librarian, a computerized catalog system of photographs and information from local governments which participate in the plan and a professional photographer. The bill would require the plan to increase marketing efforts of the office, and provide specified state resources to local governments and film commissions for the purpose of marketing their locales to the motion picture industry It would require that resources offered under the plan be used to recruit local government participation in, and development of, local film commissions. Any resources requested under the plan, not specified in the bill, would be subject to approval by the commission.

The bill would require local governments to demonstrate compliance with specified criteria as a further condition of eligibility for receiving the state resources, would require the office to adopt additional guidelines as needed to implement the plan, and would define motion picture for these purposes.

The bill would require that this act be cited as the Rosenthal-Farr Motion Picture Marketing Act of 1987

(2) The bill would appropriate $150,000 for the 1987–88 fiscal year from the General Fund to the Department of Commerce for allocation to the California Film Office for the purposes of the bill.

Ch. 1480 (SB 1269) Nielsen. Foreign market development. [38]

Existing law authorizes the Director of Food and Agriculture to improve, broaden, and extend the distribution and sale of any product of this state throughout markets of the world.

This bill would state that this authority may be exercised by the use of Department of Food and Agriculture offices in this state, and state foreign trade offices, or by contracting with persons in a foreign country to provide marketing services to promote the sale of this state's agricultural products in that country.

The bill would require the department to submit a report on its activities to the Senate Committee on Rules, the Speaker of the Assembly, and the Assembly Committee on International Trade and Intergovernmental Relations on or before February 1, 1989

The provisions of the bill would become inoperative on June 30, 1989, and would be repealed on January 1, 1990.

The bill would appropriate $200,000 from the General Fund to the Department of Food and Agriculture, without regard to fiscal year for purposes of the bill and state the Legislature's intent that additional funding for this program be provided in the Budget Act, as specified.

Ch. 1481 (AB 430) O'Connell. Bank and Corporation Tax Law: civic leagues: exemption: contributions.

(1) The existing Bank and Corporation Tax Law exempts from the franchise and income taxes imposed by that law civic leagues or organizations which are not organized for profit, but operated exclusively for the promotion of social welfare, the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes, and the assets of which are irrevocably dedicated to one or more of those purposes.

This bill would provide an exemption for a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law whose specific and primary purpose for formation is to render financial assistance to government, as defined, by financing, refinancing, acquiring, constructing, improving, leasing, selling, or

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

otherwise conveying property of any kind to government, if it is operated exclusively for the exempt purposes specified in the exemption for civic leagues or organizations and if additional criteria relating to the irrevocable dedication of its assets to exempt purposes are satisfied.

This bill would provide that any organization that has had its civic league or organization exemption revoked by the Franchise Tax Board may request a further review of its status under the exemption provisions of this bill.

(2) The existing Bank and Corporation Tax 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. The deduction is permitted for contributions made on or after July 1, 1983, and on or before December 31, 1987

This bill would allow the deduction for contributions made on or before December 31, 1990

(3) This bill would take effect immediately as a tax levy.

Ch. 1482 (AB 1258) Speier Clinical laboratories

Existing law authorizes the State Department of Health Services to approve schools seeking to provide instruction in clinical laboratory technic, as specified.

This bill would authorize the department to approve schools which are accredited as medical technologist education programs by the Committee on Allied Health Education and Accreditation of the American Medical Association and would authorize the department to approve schools seeking to provide instruction in laboratory technic, as specified.

Ch. 1483 (AB 1542) Bradley. Shredder waste

(1) Existing law prohibits the State Department of Health Services until January 1, 1988, 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 Existing law provides that this classification does not affect the status of the shredding waste for purposes of other hazardous waste regulations.

Specified California regional water quality control boards are required to designate at least one landfill in each region authorized to dispose of this waste

This bill would require these regional boards to make this designation in accordance with a specified resolution of the State Water Resources Control Board by February 15, 1988. The bill would delete the rest of these provisions and would instead prohibit the department, until January 1, 1989, from prohibiting the disposal of shredder waste in an appropriate class III landfill designated by a regional board if the producer of the waste carries out specified monitoring requirements, maintains records, and tests stored shredder waste, as specified, and the department determines that the waste will not pose a threat to human health or water quality and will be disposed of within a specified time.

The bill would require that shredder waste disposed of pursuant to these provisions be disposed of in a specified manner unless exempted by the state board or the appropriate regional board, thereby imposing a state-mandated local program by creating a new crime.

The bill would exempt shredder waste disposed of pursuant to these provisions from specified hazardous waste disposal fees and taxes

(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.

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

Ch 1484 (AB 2386) Allen. Vocational education.

Existing law requires the Superintendent of Public Instruction to update and disseminate specified information relating to exemplary local and regional programs that deliver career and vocational education services to individuals with exceptional needs.

This bill would remove that requirement

This bill would require the Superintendent of Public Instruction to establish the capacity to provide transition services, for a broad range of individuals with exceptional needs, such as employment and academic training, strategic planning, interagency coordination, and parent training.

This bill would make legislative findings relative to project workability, require that the project workability program shall be administered by the State Department of Education, require the superintendent to develop criteria for awarding grants and funding, and for evaluating workability projects, and provide that the project workability program and the transition services be funded pursuant to the Budget Act.

Ch. 1485 (SB 243) Presley. Minors

Existing law, the Arnold-Kennick Juvenile Court Law, details the procedures for declaring a minor to be a dependent child of the juvenile court. Existing law also specifies procedures pursuant to which a child can be freed from the custody and control of a parent.

This bill would make numerous changes concerning those procedures, including revising the grounds for the declaration of juvenile court dependency on and after January 1, 1989, and January 1, 1990, as specified; providing that the general statutes on freeing a child from parental control are not applicable to a child declared a dependent of the juvenile court on or after January 1, 1989, as specified, and providing instead for termination of those rights by the juvenile court or pursuant to the Uniform Parentage Act, as specified; requiring all facilities for the custody of dependent children to be nonsecure; prohibiting assumption of jurisdiction by another division of the superior court as to custody matters concerning a child who is a dependent child of the juvenile court; revising the circumstances when a child may be taken into custody by a peace officer or social worker on the basis that the child may be declared a dependent; on and after January 1, 1988, and, as specified, on and after January 1, 1989, revising provisions relating to appointment of counsel, including requiring appointed counsel for a minor to represent the minor in specified additional proceedings, as specified, and to represent the parent or guardian of a minor if the minor is placed in out-of-home care, as specified, and generally revising procedures relating to juvenile court dependency hearings. Certain provisions relating to appointment of counsel would be operative only if SB 203 or other legislation is enacted, as specified, and contains specified provisions relating to trial court funding.

The bill also would require reports to be made to the Legislature, as specified, by the Legislative Analyst and the Health and Welfare Agency, relating to the effect of the bill. It also would require the Senate Select Committee on Children and Youth to conduct a hearing on the implementation of this bill, as specified.

As the bill would impose various new and increased duties on local officials, including requiring expanded representation by appointed counsel in dependency proceedings, it would establish state-mandated local programs.

The California Constitution requires 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, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be made from the State Mandates Claims Fund.

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

Ch. 1486 (SB 1601) Garamendi. Science and technology: school programs and research agenda.

Under existing law, there is no statewide science project.

This bill would make numerous findings and declarations concerning the need to improve and expand science education in the state. It would establish the California Science Project, those provisions of which require a General Fund appropriation to be operative upon an appropriation by the Legislature, to be administered jointly by the University of California, upon approval by the regents, and the Trustees of the California State University in cooperation with the State Department of Education. The bill would provide for the appointment of an advisory committee to assist in the implementation of the project, with specified membership and duties. The project would encompass approved science projects submitted by and on behalf of public elementary, secondary, and postsecondary schools pursuant to certain criteria, for the training of teachers and the education of students in the state's public schools, as specified.

The bill would provide for ongoing evaluation of the project, and would require the California Postsecondary Education Commission to submit various reports concerning the project to the Governor, the Superintendent of Public Instruction, and the Legislature.

Ch. 1487 (SB 1618) McCorquodale. Child day care.

Under the existing Child Day Care Act, the provisions do not apply to any cooperative arrangement between parents for the care of their children by one or more of the parents where no payment for the care is involved.

This bill would provide, instead, that such a cooperative arrangement shall meet certain conditions. Since a willful or repeated violation of the act is a misdemeanor, this bill would impose a state-mandated local program

Existing law exempts from the Child Day Care Act, any facility similar to certain other facilities as determined by the State Department of Social Services and provides that when exempting an extended day care program at a public or private school, the department shall allow certain additional children to be served at that school site.

This bill would delete the exemption of any similar facility and, instead, exempt extended day care programs operated by public and private schools from the Child Day Care Act. The bill would also require the department to allow these programs, whether or not exempted, to serve certain additional children at that school site.

The California Constitution requires 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. 1488 (SB 1528) Maddy Alcohol and drug programs pilot project. [39]

Under existing law, the State Department of Alcohol and Drug Programs administers various county programs of services to persons addicted to alcohol or drugs, their families, and the community

This bill would require the department to administer a pilot project by negotiating prescribed net amount contracts with specified counties requesting to participate in the pilot projects, to provide the services described above, as specified. The department would be required to make a specified report by January 1, 1991

The bill would also require the department to allocate funds to the Whittier Host Lions Club for implementation of a 3-year drug prevention pilot program and authorize the pilot program to be implemented for children in all 5th, 6th, and 7th grade classes in both the Whittier City School District and the East Whittier School District. Funds would be used to train teachers and purchase instructional materials

The bill would, create a commission, as specified, to evaluate the pilot program and report its evaluation to the department.

The bill would appropriate $130,000 from the Governor's discretionary funds received by the department under specified provisions of federal law, to the department for allocation to the Whittier Host Lions Club for the pilot project, to be used as specified.

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

Both pilot projects would be made inoperative on July 1, 1991, and as of January 1, 1992, would be repealed.

Ch 1489 (SB 1582) Maddy Juvenile court law· ward placements. [40]

Existing law provides for various alternatives as to the treatment of persons adjudged wards of the juvenile court on the basis of criminal conduct.

This bill would require the Department of the Youth Authority, if Monterey County consents thereto, to allocate funds to Monterey County for the establishment of an environmentally based, nonresidential treatment program on a 2-year pilot program basis for certain minors so adjudged, who have not been removed from parental custody and control, as specified The provisions of the bill would be repealed January 1, 1990.

The bill would appropriate $150,000 from the General Fund to the Department of the Youth Authority for the purposes of the bill. The bill also would make statements of legislative intent as to future funding of, and savings that would be engendered by, the program.

Ch. 1490 (AB 432) Vasconcellos. Judgments and settlement claims against the state. appropriation. [41]

This bill would appropriate $3,869,508 13, as scheduled, to the Secretary of the State Board of Control to pay judgments and settlement claims accepted by the State Board of Control, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1491 (SB 1583) Torres Immigrants. [42]

Existing law, known as the federal Immigration Reform and Control Act of 1986, provides an opportunity for unauthorized aliens who satisfy specified criteria to obtain legal status in the United States

This bill would declare the intent of the Legislature to establish a state test for eligible aliens, as specified.

This bill would require the Superintendent of Public Instruction, in consultation with the Chancellor of the California Community Colleges, to develop a test or adopt an existing test to measure whether an eligible alien has a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States. The superintendent would also be required to distribute this test to school districts, county offices of education, and community colleges, upon their request.

This bill would authorize school districts, county offices of education, and other eligible agencies that receive federal legalization impact-assistance funds to provide educational services to administer the test for specified purposes using appropriate test monitor and control procedures. The bill would make the results of this test confidential and would prohibit the release of test results without the written consent of the eligible immigrant for any purpose not directly related to the provision of educational services.

This bill would direct the Governor, the superintendent, the chancellor, the President pro Tempore of the Senate, and the Speaker of the Assembly to petition the Director of the Immigration and Naturalization Service and the United States Attorney General to approve the use of the test to satisfy the requirements of federal law.

This bill would declare the intent of the Legislature that the above provisions be funded by federal funds

This bill would authorize the Secretary of the Health and Welfare Agency to contract with legalization service providers and legalization support centers, as specified, to increase the number of legalization applications which are submitted to the Immigration and Naturalization Service in this state

This bill would appropriate $2,789,000 to the Secretary of the Health and Welfare Agency for the purposes of contracting for legalization services and providing technical assistance to nonprofit legalization service providers

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1492 (SB 1556) Petris Housing: loans

Existing law requires a subpoena duces tecum for the production of personal records

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

to be served in sufficient time to allow the witness a reasonable time to locate and produce the records or copies thereof. The law defines personal records as, among other things, writings pertaining to a consumer and which are maintained by any "witness" which is a physician, hospital, bank, or others, as specified.

This bill would include anyone authorized by this state to make or arrange loans that are secured by real property within the definition of a witness for those purposes.

Existing provisions of the Holden Act require the Secretary of the Business, Transportation and Housing Agency to monitor and investigate the building patterns and practices of financial institutions relating to housing, as specified.

This bill would additionally require the secretary to annually report to the Legislature on certain regulatory activities. The secretary would also be required to adopt reporting requirements substantially the same as the federal Home Mortgage Disclosure Act of 1975 for persons in the business of originating residential mortgage loans in this state and who are not within the coverage of the federal law. Subsidiaries of depository institutions and holding companies reporting under the federal law or subject to substantially the same reporting requirements would be exempted from the regulations

The bill would, in addition, set forth legislative findings, declarations, and intent regarding home mortgage lending practices

Ch. 1493 (AB 848) Frazee. Local agencies.

(1) Under existing law, a court upon granting a temporary restraining order or injunction, or a modification or termination thereof, must order the plaintiff or the attorney for the plaintiff to deliver, or the clerk of the court to mail, a copy to certain law enforcement agencies, as specified.

This bill would delete the provision for having the clerk of the court mail copies of the temporary restraining order or injunction, or modification or termination thereof, to certain law enforcement agencies, as specified.

(2) Existing law specifies the manner in which trial by jury in civil proceedings may be waived by parties to an issue of fact, including, among other reasons, the failure to deposit with the clerk or judge a sum equal to the amount of one day's jury fees payable under law, 14 days prior to the date set for trial.

This bill would increase the number of days in which the deposit must be made from 14 to 25 days

(3) Existing law provides that the oath of office required by the California Constitution before any officer enters the duties of his or her office be filed in a prescribed manner. Existing law, with respect to local officers, requires the oath of office to be filed with the county clerk.

This bill would require, instead, that the oath of all officers for any independent special district, as defined, be filed with the office of the clerk or secretary of that district. It would impose a state-mandated local program by requiring the clerk or secretary of the independent special district to file the oath

(4) Under existing law, the county clerk may destroy superior court records in action where 30 years have elapsed since the last paper was filed in the action and the records of the county clerk do not show the action is pending on appeal However, minute book entries, minute books, judgment books, and registers of actions may not be destroyed without being microfilmed. The microfilm records thereafter constitute the official record of the action for all purposes.

This bill would authorize the destruction of registers of actions without microfilming and provide that microfilmed minute book entries, minute books, and judgment books constitute the record for all purposes in lieu of records, papers, and exhibits destroyed.

(5) Existing law authorizes the clerk of the superior court to keep a register of actions.

This bill would authorize the clerk of the superior court to destroy all or a portion of the register of actions, as specified.

(6) Existing law does not expressly authorize the clerk of the superior court to use a facsimile signature on court documents requiring his or her signature

This bill would authorize the clerk of the superior court to use a facsimile signature on certain court documents, as specified

(7) Existing law specifies the compensation of municipal court employees in San

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

Diego County.

This bill would revise the provisions for compensation of municipal court employees in San Diego County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(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 specified reasons.

Ch. 1494 (AB 2241) Bronzan. Health insurance: Medicare supplement.

Existing law provides for the regulation of the business of insurance in this state, including setting standards and requirements for policies to supplement Medicare

This bill would require the Insurance Commissioner to initiate a process to adopt or recommend, on and after July 1, 1988, no more than 3 sets of standards for policies to supplement Medicare, as specified. The commissioner would be required to designate a set of criteria for a standard form of policy and coverage The commissioner also would be authorized to adopt regulations to implement the bill. The bill would prohibit any insurer or agent from recommending for sale, or selling, a policy not complying with any such standard or cause a policyholder to purchase from the same company, broker, or agent more than one policy meeting the same standards to supplement Medicare, as prescribed.

Ch 1495 (SB 1467) Marks. Insurance reports.

Existing law requires insurance policies to supplement Medicare, as defined, to return to policyholders benefits which are reasonable in relation to the premium charged.

This bill would require the Insurance Commissioner to require that insurers subject to those provisions maintain experience data for policies and make an annual filing with the commissioner disclosing the loss ratio for each policy subject to those provisions. The bill would require the commissioner to require such an insurer to file and implement a corrective plan, with prescribed methods for achieving a minimum loss ratio, if the filing or other information received by the commissioner indicates that the actual loss ratio for a policy is less than the minimum loss ratio established by the commissioner. This bill would provide for inclusion of reports, plans, exemptions, and other documents prepared pursuant to these provisions in the commissioner's annual report to the Legislature in accordance with designated provisions which are to be in effect until January 1, 1990.

This bill would incorporate additional changes in Section 10195 of the Insurance Code proposed by AB 1062, AB 1108 and SB 1110, and contingent on the prior enactment of one or more of those bills and this bill being enacted last

The bill would appropriate $25,000 from the Insurance Fund to the commissioner for purposes of carrying out its provisions

Ch. 1496 (SB 1110) Mello. Insurance· Medicare supplement policies.

Existing law imposes specific requirements for health care service plans that supplement medicare and insurance policies that supplement medicare. Among other things, existing law requires that health care service plan contracts that supplement Medicare and insurance policies that supplement Medicare shall provide for a 30-day examination period, and a refund upon return.

This bill would provide that the 30-day period is after the receipt of the contract or policy, and would require a full refund

Existing law provides for the full and fair disclosure of information in the sale of insurance policies that supplement Medicare.

This bill would also provide that requirements for insurance policies to supplement Medicare apply to insurance provided to residents of the state under a group policy, regardless of the situs of the contract

This bill would, commencing July 1, 1988, require the Insurance Commissioner to review the organization of the Medicare supplement policies and prescribe, by regula-

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

tion, the format of Medicare supplement policies and of certificates issued under group insurance policies to supplement Medicare. It would define "format" for this purpose.

The bill would require the commissioner to develop and adopt a definition of replacement policies and duplicate policies, as prescribed.

The bill would require a television, radio, mail, or newspaper advertisement which is designed to produce leads, as prescribed, in regards to health care service plans, and disability insurance to include information disclosing that an agent may contact the applicant if that would be the fact.

This bill would incorporate additional changes in Section 10195 of the Insurance Code proposed by AB 1062, AB 1108, and SB 1467, contingent on the prior enactment of one or more of those bills and this bill being enacted last

Ch. 1497 (AB 1062) Hauser. Insurance: supplemental to Medicare

Existing law imposes various requirements relating to the form of policies and other requirements for insurance policies to supplement Medicare, including the requirement that any such insurance policy that does not cover custodial care must have printed on the cover page of the outline of coverage a specified statement in upper case type

This bill would, instead, require that any such insurance policy that would not cover custodial care in a skilled nursing care facility, dental care, eyeglasses, prescription drugs, or hearing aids to have printed on the cover page of the policy and the cover page of the outline of coverage a specified statement in no less than 12-point upper case type The bill would, also, require the cover page of the policy to include a statement dealing with other exclusions, as specified. These provisions providing for such requirements would apply on and after July 1, 1988.

This bill would incorporate additional changes in Section 10195 of the Insurance Code proposed by AB 1108, SB 1110, and SB 1467, contingent on the prior enactment of one or more of those bills and this bill being enacted last.

Ch. 1498 (SB 241) Lockyer Liability.

(1) Under existing law, an attorney may not contract for or collect a contingency fee in certain actions against a health care provider in excess of 40% of the first $50,000 recovered, 33⅓% of the next $50,000 recovered, 25% of the recovery between $100,000 and $200,000, and 10% of the recovery in excess of $200,000.

This bill would change the latter two limits to 25% of the recovery between $100,000 and $600,000, and 15% of the recovery in excess of $600,000.

(2) Under existing law, a manufacturer or seller of a product may be liable for damages caused by a defective product.

This bill would provide that a manufacturer or seller is not liable in a product liability action if the product is inherently unsafe, is known to be unsafe by the ordinary consumer, and the product is a common consumer product intended for personal consumption such as sugar, castor oil, alcohol, tobacco, or butter

(3) Under existing case law, if, in a liability action against an insured, the insurer reserves its right to assert noncoverage, the insured has a right to independent legal counsel in certain cases where there is a conflict of interest

This bill would provide that if an insurance policy imposes a duty to defend upon an insurer, and a conflict of interest arises that creates a duty to provide independent counsel, the insurer shall provide counsel unless, after the insured is informed of the conflict, the insured waives the right

The bill would provide that a conflict of interest does not exist as to allegations or facts in the litigation for which the insurer denies coverage, but that when an insurer reserves its rights on a given issue and the outcome of that issue can be controlled by the counsel retained by the insurer, a conflict exists It would provide that no conflict exists as to allegations of punitive damages or solely because the insured is sued for amounts in excess of the policy limits.

The bill would authorize the insurer to require independent counsel to possess minimum qualifications, and would limit fees. It would specify that a fee dispute would be resolved by binding arbitration. It would specify that different or additional policy provisions concerning attorney's fees are not invalidated

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

It would require independent counsel and the insured to disclose relevant information to the insurer, as specified, and would require cooperation between independent counsel and counsel for the insurer.

It would set forth the form for a waiver of the right to counsel.

(4) Under existing law, in an action for the breach of an obligation not arising from contract, if the defendant has been guilty of oppression, fraud, or malice, the plaintiff may recover exemplary or punitive damages. Existing law defines "malice" as conduct intended to cause injury or conduct carried on with a conscious disregard of the rights or safety of others, and defines "oppression" as subjecting a person to cruel and unjust hardship in conscious disregard of that person's rights.

This bill would require proof of oppression, fraud, or malice by clear and convincing evidence. It would define malice as conduct intended to cause injury or despicable conduct carried on with a willful and conscious disregard of the rights or safety of others, and it would define "oppression" as despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights.

(5) Existing law provides that the court may, for good cause, grant any defendant a protective order requiring the plaintiff to produce evidence of a prima facie case of liability for exemplary or punitive damages prior to the introduction of evidence of the profits the defendant has gained by virtue of the wrongful course of conduct and the financial condition of the defendant.

This bill would provide that the court shall, on application of any defendant, preclude the admission of evidence of that defendant's profits or financial condition until after the trier of fact returns a verdict for the plaintiff awarding actual damages and finds that a defendant is guilty of malice, oppression, or fraud. It would provide that a claim for exemplary damages shall not state an amount or amounts. It would provide that a claim for punitive damages may not be included in a complaint or other pleading against a health care provider unless allowed by the court, as specified

Ch. 1499 (SB 255) Davis Crimes.

(1) Existing law provides that it is a public offense to engage in certain unlawful activities with regard to a computer system, computer network, computer program, and computer data. Existing law also allows the owner or lessee of computer systems, networks, programs, or data to maintain a civil action against any person convicted of violating the criminal provisions for compensatory damages.

This bill would substantially recast existing law. It would expand the scope of the prohibited activity, as specified, thereby imposing a state-mandated local program. It would also revise the definitions of that law. This bill would also include provisions exempting persons engaged in designated employee labor relations activities from criminal liability. This bill would also provide that the criminal penalties imposed by this bill do not apply to employees accessing an employer's computer when acting within the scope of his or her employment, or the use, knowingly and without permission, of an employer's computer outside an employee's scope of employment which does not result in an injury to an employer, as defined, so long as the value of that use does not exceed $100

This bill would specify that for purposes of bringing a civil or a criminal action under this law, a person who causes, by any means, the access of a computer, computer system, or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system, or computer network in each jurisdiction

(2) Under existing law, if a probation officer determines that juvenile court proceedings to declare a person a ward of the juvenile court on the basis of criminal conduct should be commenced, the probation officer is required to cause an affidavit to be taken to the prosecuting attorney

This bill would provide that a probation officer shall cause an affidavit alleging that a minor is within the jurisdiction of the juvenile court on the basis of criminal conduct to be taken immediately or within 48 hours, depending upon the age of the minor or the nature of the offense, or both to the prosecuting attorney. To the extent that the bill would require a higher level of service upon probation officers, it would constitute a

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

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 for certain costs no reimbursement is required by this act for a specified reason

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs 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. 1500 (SB 1647) Garamendi Manufacturing and automation research: University of California. [43]

Existing law does not contain provisions authorizing the University of California to participate in an institute for manufacturing and automation research

This bill would authorize the university to participate in the Institute for Manufacturing and Automation Research and specify the conditions of university participation

The bill would also require the Department of Commerce to contract with the institute for research and development in process manufacturing

The bill would require that the state funding provided pursuant to this contract constitute the state matching funds required to secure federal funding, as specified

The bill would appropriate $200,000 to the Department of Commerce for implementation of the contract and the institute. This bill would provide that the funds appropriated by this bill shall only be expended at a ratio of at least $7 of private funds for each $4 of the funds appropriated from the General Fund. This bill would direct the Department of Commerce to expend the appropriated funds upon notification that the institute has received the required private match.

Ch. 1501 (SB 1037) Torres. Governmental programs.

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 employment, provided that the member demonstrates exposure during the employment to a known carcinogen, as defined, which is reasonably linked to the disabling cancer. Under existing law these provisions are repealed on January 1, 1989.

This bill would delete the repeal and would thereby, in the case of local public agencies which would be required to fund this disability beyond January 1, 1989, 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 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. 1502 (SB 1637) Keene. 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 make these provisions inapplicable to checks drawn by a financial institution (1) insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, (2) qualified for use in the interbank settlements in accordance with designated provisions, (3) drawn on an insured bank located

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

in a city in which is located a Federal Reserve Bank or branch thereof or which has a routing and transit code on the face of the check which is identified as a high dollar group sort clearing point by the Board of Governors of the Federal Reserve system, and (4) to be shown on the basis of verifiable information to be collected by depository banks within the same time or less as generally occurs for items drawn on California institutions

Ch. 1503 (SB 1645) Keene. Landlord-tenant

Existing law does not specify the rights and liabilities of the parties in a landlord-tenant relationship with respect to the tenant's possession of a waterbed or other bedding with liquid filling material.

This bill would prohibit an owner or owner's agent from refusing to rent to a prospective or present tenant on the basis of that tenant's possession of a waterbed or other bedding with liquid filling material. A tenant or prospective tenant would be required to furnish insurance for property damage.

This bill would also require the Bureau of Home Furnishings to review current standards for waterbed heaters and adopt new regulations, as specified.

Ch. 1504 (SB 772) Beverly. School facilities· nonuse payments.

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, exempting from this requirement certain school sites utilized by the school district, or by any other governmental entity pursuant to agreement with the district, for school purposes or specified community outdoor recreational purposes.

This bill would include within this exemption any school site utilized as a civic center, as defined.

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

DIGESTS OF STATUTES ENACTED IN 1987

1987–88 FIRST EXTRAORDINARY SESSION

BILL CHAPTERS

Ch 1 (AB 1) Polanco Disaster relief· public postsecondary educational institutions

Existing law establishes within the Special Fund for Economic Uncertainties a Disaster Response-Emergency Operations Account, which is continuously appropriated, for allocation by the Director of Finance, upon an order of the Governor, to state and local agencies for costs incurred related to emergencies, as defined, declared by the Governor, including the costs of providing disaster victims assistance.

This bill would establish within the Disaster Response-Emergency Operations Account, the 1987 Higher Education Earthquake Account into which would be paid all moneys allocated pursuant to this bill for specified assistance to eligible higher educational entities

This bill would transfer $15,300,000 from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operations Account for allocation by the Director of Finance in accordance with provisions governing that account The $15,300,000 would be allocated, and continuously appropriated, to the new 1987 Higher Education Earthquake Account. Of that amount, this bill would make available up to $13,500,000 to the Trustees of the California State University and $1,800,000 to the Board of Governors of the California Community Colleges.

This bill would specify that any unused funds would revert to the Disaster Response-Emergency Operations Account.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 2 (AB 6) Calderon Disaster relief

(1) Existing law, which becomes effective January 1, 1988, authorizes allocation of federal low-income housing credits by the Mortgage Bond and Tax Credit Allocation Committee

This bill would require the committee to give preference in allocating 1988 federal low-income housing tax credits to rehabilitation of structures damaged or destroyed by the earthquakes of October 1987 in counties proclaimed by the Governor to be in a state of emergency.

(2) Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures

This bill would authorize the department to use this program under special conditions prescribed by the bill to assist victims of the Los Angeles-Whittier Narrows Earthquake in jurisdictions subject to a state of emergency proclaimed by the Governor

Under the bill, no financial means test would be required for a loan, loan-to-value limitations would be revised, the maximum loan amount would be $20,000 with certain exceptions authorized, loans would be limited to owner-occupied single-family dwellings, and repayment of principal and interest would not be required until transfer of the security property Eligibility for the loans would be limited to costs not covered by available federal assistance This bill would exempt standards adopted for the program from generally applicable requirements for administrative regulations.

Additionally, the bill would authorize the Department of Social Services to make prescribed grants of up to $10,000 to supplement moneys available for earthquake losses under the federal Individual and Family Grant program, but which could not be used to provide matching funds for federal disaster assistance

This bill would transfer and appropriate $17,500,000 from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operations Account therein for allocation by the Department of Finance pursuant to the bill and other specified provisions Of this appropriation, $7,500,000 would be allocated to the Housing Rehabilitation Loan Fund for the above-described loan program and $10,000,000 would be allocated to the State Department of Social Services for the above-described grant program, but grant progam moneys that are unencumbered on July 1, 1988, would be transferred to the loan program.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 3 (AB 7) Hill. Disaster relief.

Existing provisions of the Personal Income Tax Law permit the deduction of losses resulting from fire, storm, shipwreck, or other casualty, or from theft and not compensated by insurance in computing income subject to taxation under that law. That law permits disaster losses resulting from forest fire or any other related casualty occurring in 1985 in this state or from storm, flooding, or any other related casualty occurring in 1986 in California to be carried forward to each of the 5 taxable years succeeding the year of the loss if the loss exceeds the taxable income of the taxpayer of the loss year. This carry forward applies to any loss sustained during February 1986, as the result of storm, flooding, or any other related casualty occurring in any county in this state which was proclaimed by the Governor to be in a state of disaster

This bill would make these disaster loss carry forward provisions applicable to losses sustained during 1987 as a result of forest fire or any other related casualty and to residential losses sustained during October 1987 as the result of earthquake, aftershock, or any other related casualty, in any county of this state which was proclaimed by the Governor to be in a state of disaster.

Existing law establishes the Special Fund for Economic Uncertainties, which is continuously appropriated.

The bill would appropriate from the Special Fund for Economic Uncertainties to the Office of Emergency Services an amount sufficient to make grants to eligible nonprofit agencies incurring substantial damage due to earthquakes during October 1987, and would specify that cities and counties shall administer and distribute the funds granted pursuant to this bill, thereby resulting in a state-mandated local program

The bill would also allocate from the amount appropriated from the Special Fund for Economic Uncertainties a sum sufficient to reimburse cities and counties for their costs incurred in the administration and distribution of the grants.

The bill would require the Office of Emergency Services to establish guidelines in carrying out this bill

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 4 (SB 1) C. Green. Disaster assistance Los Angeles-Whittier Narrows Earthquake.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures.

This bill would authorize the use of this program under special conditions prescribed by the bill to assist victims of the Los Angeles-Whittier Narrows Earthquake in jurisdictions subject to a state of emergency proclaimed by the Governor Loans under this bill would be made for rehabilitation or reconstruction of rental housing and to provide specified relocation assistance to displaced tenants

The bill would exempt regulations adopted to administer the bill from general requirements applicable to the adoption of regulations The bill would exempt fund allocations under the bill from review by the department's loan committee. The bill would declare replacement of housing units pursuant to the bill to be "existing housing" for purposes of statutory provisions applicable to referendum requirements under Article XXXIV of the California Constitution

The bill would also exempt specified reconstruction or rehabilitation due to damage caused by the earthquakes of October 1987 from defined local agency development fees.

The bill would appropriate $7,500,000 from the Special Fund for Economic Uncertainties to a 1987 Southern California Earthquake Account in the Natural Disaster Assistance Fund, with $7,250,000 of this amount to be transferred to the Housing Rehabilitation Loan Fund, and $250,000 to be appropriated to the department for the department's administrative costs. The bill would require any portion of this appropriation that is repaid, rebated, or not committed by January 1, 1990, to be returned to the General Fund.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 5 (SB 2) Garamendi. Taxation: alternative minimum tax.

Existing law requires that the interest income from specified bonds issued by the state and local governments in the state be included as an item of tax preference in calculating the state alternative minimum tax imposed on individuals.

This bill would amend existing law to exclude interest income on any bond issued by the state or a local government in the state as an item of tax preference for purposes of calculating the alternative minimum tax on individuals and banks and corporations

The bill would state legislative intent.

This bill would take effect immediately as a tax levy; however, its provisions would be applicable in the computation of taxes for taxable and income years, as specified.

Ch. 6 (SB 5) Campbell Disaster relief.

(1) Existing property tax law permits a county, by ordinance, to provide for the reassessment of certain real property which is damaged or destroyed as the result of misfortune or calamity, as specified.

This bill would permit owners of eligible property, as defined, which is located in a county which has been proclaimed by the Governor to be in a state of disaster as the result of earthquake or aftershock occurring in October 1987 or as the result of fires occurring in this state in 1987, and which has adopted an appropriate ordinance for relief as authorized under existing law, to apply for the deferral, without penalty or interest, of the payment of the 1st installment of the regular secured roll property taxes for the 1987–88 fiscal year in addition to or in conjunction with a claim for reassessment. In addition, this bill would permit the owners of eligible property, upon the adoption of an appropriate county ordinance, to apply for the deferral of unpaid nondelinquent 1987–88 fiscal year supplemental roll taxes. This bill would provide for the making of allocations by the Controller, upon certification by the Director of Finance, to counties in which this property tax relief program is applicable to cover the deferrals in the 1st installment of 1987–88 fiscal year regular secured roll and supplemental roll property taxes. This bill would also require counties which have received these deferral claim allocations to remit to the Controller, on or before December 31, 1988, an amount which is equal to the allocations previously received for 1987–88 fiscal year property tax deferral claims attributable to the 1st installment of secured roll taxes, less the amount of the property tax revenue lost in the 1987–88 fiscal year as the result of reduced assessments of property which was damaged or destroyed by the 1987 forest fires or the October 1987 earthquake and aftershocks; and, where applicable, an amount equal to the amount allocated to it by the Controller, less the amount of its supplemental roll property tax revenue lost in the 1987–88 fiscal year as the result of reduced assessments of property which was damaged or destroyed by the 1987 forest fires or the October 1987 earthquake and aftershocks and for which a deferral of supplemental roll taxes was claimed.

This bill would also permit an eligible county to adopt an ordinance for the temporary postponement of the 1st and 2nd installments of regular secured roll taxes on eligible property for the 1987–88 fiscal year until December 10, 1988. However, this bill would provide that no state reimbursement payments shall be made to local jurisdictions for these postponements.

(2) Existing community development law provides for compliance with various procedural requirements for the adoption of a disaster area redevelopment plan.

This bill would exempt from certain of these requirements a redevelopment plan within the City of Whittier, which, as a part of the redevelopment project area includes, all or any part of a disaster area resulting from the October 1987 earthquake and aftershocks.

This bill would also provide, with respect to the above redevelopment plan, for the revision of the definitions of "last equalized assessment roll" and "base-year assessment roll" for purposes of the division of property tax revenues between the redevelopment agency of the City of Whittier and other jurisdictions

(3) The bill would appropriate $2,000,000 from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operations Account for allocation by the Director of Finance for the purposes of the bill

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 7 (SB 6) Torres. Disaster relief: Los Angeles earthquake.

Existing law provides for various accounts within the Natural Disaster Assistance Fund for purposes of providing state funding for various public facilities projects and natural disaster relief programs. Existing law also provides for a Disaster Response-Emergency Operations Account within the Special Fund for Economic Uncertainties which fund is continuously appropriated for, among other things, reimbursement of extraordinary emergency or disaster response operation costs incurred by local agencies as a result of a state of emergency proclamation by the Governor.

This bill would establish the 1987 Southern California Earthquake Account within the Natural Disaster Assistance Fund, into which account would be paid all moneys allocated pursuant to provisions governing the Disaster Response-Emergency Operations Account for specified assistance to eligible local agencies that incurred costs or expenses related to earthquake activity that began on October 1, 1987.

The bill would also transfer $46,500,000 from the Special Fund for Economic Uncertaintities to the Disaster Response-Emergency Operations Account for allocation by the Director of Finance, as specified. The sum of $34,500,000 would be allocated to the 1987 Southern California Earthquake Account for assistance to local agencies, $1,800,000 would be allocated to that account for assistance to state agencies, $4,200,000 would be allocated to the Superintendent of Public Instruction for matching funds provided by the federal Department of Education to public school districts or county offices of education, and $6,000,000 to the Superintendent of Public Instruction for allocation to public school districts and county offices of education.

The bill would declare that it is to take effect immediately as an urgency statute.

DIGESTS OF RESOLUTIONS ADOPTED IN 1987

1987–88 REGULAR SESSION

RESOLUTION CHAPTERS

Res Ch. 1 (SCR 4) Roberti. Legislative Counsel of California.
This measure designates Bion M. Gregory as the Legislative Counsel of California.

Res Ch. 2 (SCR 2) Robbins. Aviation and airports.
This measure would revise the qualifications and membership of the California Commission on Aviation and Airports and change the date for the first meeting of the commission, as established by Resolution Chapter 159 of the Statutes of 1986.

Res Ch. 3 (SJR 2) Deddeh. Transportation funding authority
This measure would memorialize Congress to expeditiously enact a multiyear surface transportation assistance act consistent with the federal transportation funds available.

Res. Ch 4 (ACR 9) Katz Public employee pension funds invested in the General Motors Corporation: PERS and STRS.
This measure would urge the directors of the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) to review all legal options in their efforts to obtain from General Motors Corporation (GM) a complete and accurate explanation of GM's repurchase agreement with H. Ross Perot The measure would further express the full support of the Legislature for PERS, STRS, and the Council of Institutional Investors in this regard.

Res. Ch. 5 (SCR 5) Dills. Joint Committee on the State's Economy
This measure would continue in existence, until November 30, 1988, the Joint Committee on the State's Economy and the advisory committees to it. The measure would also extend the committee's powers, duties, and authority to expend funds, as specified.

Res. Ch. 6 (SCR 17) Ellis. 1987 America's Cup yacht race.
This measure would commend Dennis Conner and members of the crew of Stars and Stripes, the Sail America Foundation and its President, Malin Burnham, and the San Diego Yacht Club for their efforts in winning the 1987 America's Cup.

Res. Ch 7 (ACR 21) Condit Civil rights: Coalition to End Fear and Intimidation in Forsyth County.
This measure expresses legislative support for the efforts of the "Coalition to End Fear and Intimidation in Forsyth County."

Res Ch. 8 (ACR 16) O'Connell. Save Your Vision Week.
This measure would proclaim the week of March 1–7, 1987, as "Save Your Vision Week."

Res Ch. 9 (AJR 13) Katz. Highways: maximum speed limits.
This measure would memorialize the President and the Congress to enact legislation allowing states to have the option of increasing the 55 mph maximum speed limit to 65 mph on rural controlled-access freeways.

Res. Ch 10 (AJR 2) N Waters. Africanized bees.
This measure would memorialize the President and the United States Congress to support the implementation of the United States Department of Agriculture's Africanized Bee Barrier Proposal by appropriating specified funds
The measure would also memorialize the legislatures of Alabama, Arizona, Florida, Illinois, Kansas, Louisiana, North Carolina, Ohio, South Carolina, and Texas to expeditiously memorialize the President and the United States Congress to fully support that proposal

Res Ch 11 (SCR 20) Watson. Black American History Month.
This measure would proclaim the month of February 1987 as Black American History Month.

Res. Ch. 12 (SCR 18) Dills. Chiropractors

This measure would recognize the care which chiropractors have provided to health care consumers of this state and would designate the week of June 6 to 12, 1987, as "California Chiropractic Wellness Week."

Res. Ch. 13 (SCR 3) Roberti. Joint Rules.

This measure adopts the Temporary Joint Rules of the Senate and the Assembly for the 1987–88 Regular Session.

Res. Ch. 14 (SCR 15) Garamendi Joint Committee on Science and Technology.

Pursuant to the provisions of Resolution Chapter 7 of the Statutes of 1985, the Joint Committee on Science and Technology terminated on January 30, 1987

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 Committee on Rules to make money available from the Contingent Fund of the Senate as it deems necessary for the expenses of the Joint Committee on Science and Technology in compliance with policies set forth by the Senate Committee on Rules, subject to the approval of that committee. The measure would also establish a procedure for submission of the Joint Committee on Science and Technology's annual budget to the Joint Committee on Rules for review and comment

This measure would require that the Joint Committee on Science and Technology be terminated on November 30, 1988.

Res. Ch. 15 (SCR 28) Rogers. Girl Scouts of the U.S.A

This measure would congratulate the Girl Scouts of the U.S A on the celebration of its 75th Anniversary.

Res. Ch. 16 (ACR 19) Hughes. Delta Sigma Theta Sorority, Inc

This measure would commend Delta Sigma Theta Sorority, Inc., and would proclaim March 16, 1987, as "Delta Day "

Res. Ch. 17 (ACR 34) Bane. California State Police.

This measure would congratulate the California State Police on their 100th anniversary and would extend the Legislature's highest commendation to them for their dedicated service and wish them continued success in the future.

Res. Ch. 18 (ACR 38) Allen Poison Prevention Week

This measure would proclaim the week of March 15 to 21, 1987, as Poison Prevention Week in California.

Res Ch. 19 (AJR 3) Duplissea. Restrictions on California exporters licensing restrictions.

This measure would memorialize the President and Vice President of the United States, the Secretaries of the Departments of Commerce and Defense, the Director of the U.S. Customs Bureau, and the Congress to streamline the export licensing process consistent with national security, by following specified recommendations

Res. Ch. 20 (SCR 35) Kopp Army Days

This measure would designate April 2 to 5, 1987, as "Army Days "

Res. Ch 21 (ACR 28) Katz. Earthquake Preparedness Month.

This measure would proclaim the month of April 1987 as California Earthquake Preparedness Month and urge all Californians to engage in appropriate earthquake safety-related activities during that month.

Res. Ch. 22 (ACR 23) Hansen Women's History Month

This measure would designate March 1987 as Women's History Month and would urge Californians to celebrate International Women's Day on March 8, 1987

Res Ch. 23 (ACR 51) Longshore. Senior Citizen's Achievement Week.
This measure would declare the week of May 4 through May 10 as Senior Citizen's Achievement Week with local governments and the media jointly sponsoring events that will encourage more positive portrayals of senior citizens and which recognize the many valuable contributions senior citizens make to society.

Res. Ch 24 (ACR 6) Agnos. Joint Oversight Committee on GAIN Implementation.
Under existing law, the Greater Avenues for Independence Act of 1985 (GAIN), provides for an employment and training services program for Aid to Families with Dependent Children (AFDC) program assistance recipients to acquire unsubsidized employment
This measure would establish the Joint Oversight Committee on GAIN Implementation The committee would be authorized to conduct hearings and develop recommendations to address concerns in the implementation of the GAIN program, develop policy recommendations on GAIN related issues, and develop recommendations on funding methods for achieving GAIN goals. The measure would authorize the Assembly Committee on Rules to make money available from the contingent funds of the Assembly in the amount deemed necessary for the expenses of the joint committee.

Res. Ch. 25 (ACR 24) Katz. Holocaust Memorial Week.
This measure would proclaim the week of April 26 to May 3, 1987, as Holocaust Memorial Week in California and would urge Californians to appropriately observe these days of remembrance for victims of the Holocaust

Res Ch 26 (SJR 4) Rosenthal Energy conservation: national uniform appliance energy efficiency standards.
This measure would memorialize the President and Congress to support and enact the National Appliance Energy Conservation Act of 1987 to establish national uniform appliance energy efficiency standards, with provision for states to be granted an exemption to impose stricter standards under specified conditions

Res. Ch 27 (AJR 9) Katz. Aviation: Whiteman Airport air traffic control facilities
This measure would memorialize the President and Congress to establish an air traffic control tower at Whiteman Airport

Res. Ch 28 (ACR 17) Seastrand National Day of Prayer.
This measure recognizes Thursday, May 7, 1987, as the "National Day of Prayer."

Res Ch. 29 (ACR 20) Condit. Senior Citizens' Dental Health Week.
This measure would declare the week of May 17 to 23, 1987, as Senior Citizens' Dental Health Week

Res Ch. 30 (ACR 62) Bane Joint Rules: deadlines.
This measure would amend Joint Rule 61, relating to deadlines for the 1987–88 Regular Session, to change in 1987 the last day for policy committees to report to fiscal committees fiscal bills introduced in their house from May 8th to May 22nd

Res Ch 31 (ACR 58) Connelly. Deaf awareness month
This measure would proclaim the month of May 1987, as "Deaf Awareness Month."

Res Ch 32 (ACR 2) Harris Metropolitan Transportation Commission.
This measure requests the Metropolitan Transportation Commission to adopt and update annually a specified 5-year financial management plan for the Alameda-Contra Costa Transit District, the San Francisco Bay Area Rapid Transit District, and the San Francisco Municipal Railway System

Res. Ch. 33 (SCR 23) Torres Joint Committee on Refugee Resettlement, International Migration, and Cooperative Development.
This measure would create the Joint Committee on Refugee Resettlement, International Migration, and Cooperative Development and would provide for the member-

ship, authority, and duties of that committee.

This measure would provide that the joint committee shall terminate on November 30, 1988.

Res. Ch. 34 (ACR 31) O'Connell. Toxic Awareness Week.

This measure would proclaim the week of May 10, 1987, as "Toxic Awareness Week," and would encourage the public, schools, and businesses to take related actions concerning hazardous materials safety awareness.

Res. Ch. 35 (ACR 44) Katz. Small business week

This measure would request the Governor to proclaim the week of May 11 through May 15, 1987, as California Small Business Week.

Res. Ch 36 (SJR 1) Ellis. Transportation trust funds.

This measure would memorialize the President and Congress of the United States to remove the transportation trust funds from the unified federal budget.

Res. Ch. 37 (ACR 61) Bronzan. Mentally disordered.

This measure would declare the month of May, Mental Health Month in California.

Res. Ch. 38 (ACR 54) La Follette Area boards on developmental disabilities

This measure would provide that the Legislature supports the continued existence of the area board system in this state to ensure the ongoing protection of the legal, civil, and service rights of Californians with developmental disabilities

Res. Ch. 39 (SCR 26) Torres. Rural and Community Health Day.

This measure would proclaim May 26, 1987, as "Rural and Community Health Day" throughout the state and urge citizens throughout California to celebrate such a noteworthy occasion with appropriate ceremonies.

Res Ch. 40 (SCR 39) Campbell Joint Legislative Budget Committee funding

Under existing law, the Joint Legislative Budget Committee is responsible for ascertaining facts and making recommendations to the Legislature regarding the State Budget, the revenues and expenditures of state government, the organization of state government, and other matters referred to the committee pursuant to the Joint Rules or the provisions of various statutes.

This measure would, pursuant to the Budget Act of 1987, transfer $3,225,000 from the Senate Contingent Fund and $3,225,000 from the Assembly Contingent Fund, or so much thereof from each fund as may be necessary, for support of the Joint Legislative Budget Committee.

Res Ch. 41 (ACR 1) Filante. Controlled substances crack.

This measure would urge the private sector and public safety officers to sponsor and support crack awareness and prevention activities in schools to promote student awareness of the negative effects of crack.

Res. Ch. 42 (ACR 8) Kelley Transportation study· State Route 91

This measure would request the Department of Transportation to conduct a study of traffic flow patterns on State Route 91 in Riverside and Orange Counties and report on specified matters to the Legislature by December 1987.

Res. Ch. 43 (ACR 49) Peace. Joint Legislative Oversight Committee on Radioactive Disposal and Radioactive Waste Management.

This measure would establish the Joint Legislative Oversight Committee on Radioactive Disposal and Radioactive Waste Management and prescribe its powers and duties

Res. Ch. 44 (ACR 45) Katz. California School Bus Safety Awareness Month

This measure designates August 30 through September 26, 1987, as California School Bus Safety Awareness Month.

Res. Ch. 45 (ACR 75) Katz. Los Angeles Lakers.

This measure would commend the Los Angeles Lakers on the occasion of their winning the 1986–87 world championship of professional basketball.

Res. Ch. 46 (SCR 11) Boatwright. California Delta Highway.

This measure would designate the portion of State Highway 4 from Interstate 680 to Interstate 5 as the California Delta Highway.

The measure would also direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect appropriate plaques and markers.

Res. Ch. 47 (SCR 12) Lockyer. 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. 48 (ACR 3) Wyman. Transportation: study: State Route 202.

This measure would request the Department of Transportation to prepare a report concerning State Highway Route 202, as specified. The measure would also request that copies of this report be provided to the Assembly Committee on Transportation and the Senate Committee on Transportation not later than September 1, 1987.

Res. Ch. 49 (ACR 10) Hauser. William J. C. Dinsmore Bridge.

This measure would designate Bridge #04-129 on State Highway Route 36 the William J C. Dinsmore Bridge. 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. 50 (ACR 30) Seastrand. Domestic wine exports.

This measure would request the Governor and the Director of the Asian Trade and Investment Office in Tokyo to urge Taiwan, Japan, and other Pacific Rim countries to eliminate trade practices and policies which put California wine products at a competitive disadvantage in foreign and domestic markets.

Res. Ch. 51 (SCR 9) Robbins. Joint Committee on Computers in Government.

This measure would establish the Joint Committee on Computers in Government, with specified membership and duties. The measure would authorize the Senate Committee on Rules to make money available from the Contingent Fund of the Senate as it deems necessary for expenses of the committee, as specified. The committee would be required to present its budget to the Joint Rules Committee for review and comment, as specified.

The measure would require the committee to report to the Legislature, on or before November 30, 1988, as to the utilization of computers in various levels of government. The measure would authorize the committee to act during the 1987–88 Regular Session of the Legislature and would terminate the existence of the committee on November 30, 1988.

Res. Ch. 52 (ACR 5) Cortese. Transit services: Metropolitan Transportation Commission: study.

This measure would request the Metropolitan Transportation Commission to engage a private contractor to analyze and review various methods of organizing, financing, and

managing transit services in the San Francisco Bay area, as specified, and to report the results of its analysis, review, and recommendations to the Legislature by July 1, 1987.

Res. Ch. 53 (ACR 15) Lancaster. Merit Awards.

This measure would declare that specified individuals are authorized by the Legislature and the Department of Personnel Administration to receive additional merit awards.

Res. Ch. 54 (AJR 30) W. Brown. Filipino veterans.

This measure would memorialize Congress to grant immediate citizenship to Filipinos who are of sound moral character and can demonstrate service in the United States armed forces during World War II.

Res. Ch. 55. (ACR 50) W. Brown. 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 Assembly Contingent Fund by the Assembly Rules Committee, as specified. It would provide for the termination of the committee at the end of the 1987-88 Regular Session.

Res. Ch. 56 (ACR 69) Vasconcellos. Joint Committee for the Review of the Master Plan for Higher Education.

Existing law requires that the Master Plan for Higher Education be reviewed by the Legislature at 10-year intervals. The Legislature has appointed a Joint Committee for the Review of the Master Plan for Higher Education with specified membership and duties. The joint committee is required to submit its recommendations to the Legislature by March 1, 1987, and is authorized to act only until June 30, 1987

This measure would extend the deadline for submission of the report of the joint committee until March 30, 1988, and authorize the joint committee to act until November 30, 1988.

Res. Ch. 57 (SJR 21) Dills. Persons of Japanese ancestry interned during World War II: Civil Liberties Act of 1987.

This measure would urge the President and the Congress of the United States to enact those portions of the proposed Civil Liberties Act of 1987 which relate to the redress of the injustice done to American citizens and resident aliens of Japanese ancestry who were interned in the United States during World War II.

Res. Ch. 58 (AJR 12) Speier. Offshore oil drilling: California coastal areas.

This measure would urge the United States Secretary of the Interior to revise the proposed five-year offshore oil and gas leasing plan for California in order to more effectively preserve the state's coastal environment. The measure would further urge the Congress of the United States to enact appropriate legislation in protection of California's coastal environment.

Res. Ch. 59 (SCR 19) Dills. Constitution Day.

This measure would designate September 17, 1987, as "Constitution Day" in commemoration of the signing of the Constitution of the United States of America 200 years ago on that date.

Res. Ch. 60 (SCR 27) Craven. Manufactured homes: financing.

This measure would declare the issue of discrimination in mortgage lending to owners of manufactured homes to be of utmost concern and would request mortgage lending

institutions to provide equal treatment to owners of manufactured homes and conventional homes in the conditions, duration, and types of, and interest rates charged on, mortgage loans.

Res. Ch. 61 (SCR 22) Robbins. Back Alley Theatre.

This measure requests the Office of Historic Preservation to assist the Back Alley Theatre to obtain funding for renovation of the old post office building in the City of Van Nuys for use as a theater facility.

Res. Ch. 62 (ACR 11) Leonard. Textbooks used in California.

This measure would indicate the Legislature's intention that textbooks used in California should accurately and objectively reflect the history of our state and nation, and that appropriate and balanced references to religion and religious freedom not be arbitrarily excluded from these text books where inclusion of such references is essential for an understanding of the history and culture of our society and the relationship between church and state under our constitution.

Res. Ch. 63 (AJR 26) Statham. National Forest System: timber receipts.

This measure would memorialize the Congress of the United States to enact appropriate legislation to clarify that receipts from the National Forest System shared with the states and counties are to be based on the gross moneys received.

Res. Ch. 64 (ACR 22) Klehs. American Sign Language.

This measure would declare that the study and learning of American Sign Language (ASL) as a course of study at the state's secondary and postsecondary education institutions is hereby encouraged.

This measure would also request the state's postsecondary education institutions to examine the appropriateness of granting credit for ASL courses for specific university requirements.

Res. Ch. 65 (SCR 44) Roberti. Taiwan Sister State Legislative Task Force.

Resolution Chapter 156 of the Statutes of 1986 provided for a 21-member Taiwan Sister State Legislative Task Force, comprised of 9 members of the public appointed by the Senate Committee on Rules, 9 members of the public appointed by the Speaker of the Assembly, and the President pro Tempore of the Senate, the Speaker of the Assembly, and a designated legislator or their designees. The task force is required to study ways of conducting mutually beneficial social, economic, educational, and cultural programs, in order to strengthen international understanding and good will, and report its findings and recommendations to the Legislature.

This measure would expand the task force membership to 25, with 11 members of the public to be appointed by the Senate Committee on Rules, and 11 members of the public to be appointed by the Speaker of the Assembly.

Res. Ch. 66 (SCR 29) L. Greene. Joint Committee on School Facilities.

This measure would establish the Joint Committee on School Facilities, with specified membership and duties. The measure would authorize the Senate Committee on Rules to make money available from the Contingent Fund of the Senate as it deems necessary for the expenses of the committee, as specified. The committee would be required to present its budget to the Senate Committee on Rules for review and comment, as specified.

The measure would require the committee to report annually to the Legislature on its activities and recommendations for improvements in the school facilities system. The measure would authorize the committee to act during the 1987–88 Regular Session of the Legislature, including any recess thereof, until November 30, 1988, at which time the committee's existence would terminate.

Res. Ch. 67 (SCR 40) Robbins. Workers' compensation judges.

Existing law requires every judge of a court to wear a judicial robe in open court during the presentation of causes before the judge, to be furnished at the judge's ex-

pense.

This measure would request workers' compensation judges to wear judicial robes in open court during presentation of causes.

Res. Ch. 68 (SCR 37) Robbins Consumer fraud: gold and silver jewelry.

This measure would request law enforcement agencies to make their employees aware of federal law requiring that gold or silver jewelry marked as containing a certain number of karats or silver content shall contain not less than that number.

Res. Ch. 69 (SCR 47) Roberti. Infant health.

This measure sets forth various steps the state should take relative to improving prenatal care.

Res. Ch. 70 (SCR 14) Deddeh. Public Utilities Commission: proceedings and documents

This measure would request the Public Utilities Commission to hold public hearings, upon request, in electrical, gas, and telephone corporation proceedings within the service area of the public utility involved, to establish a regional office in San Diego, if adequate funds are provided, and to report to the Legislature by January 1, 1989, on its policy for the implementation of these matters.

Res. Ch. 71 (ACR 26) Hughes. California Reading Initiative.

This measure would encourage parents, educators, librarians, community leaders, and organizations to join together, along with the Legislature, in support of the California Reading Initiative.

Res. Ch 72 (AJR 16) O'Connell Handicapped infants, toddlers, and preschoolers: preschool programs.

This measure would memorialize the President and Congress of the United States to provide funding for the new federal programs for handicapped infants, toddlers, and preschoolers to the maximum authorized under Titles I and II of Public Law 99-457, in the 1988 federal budget, and in each subsequent budget year

Res Ch. 73 (SCR 25) Mello Education: extracurricular and cocurricular activities.

Existing law requires the governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, to establish a policy regarding pupil participation in extracurricular and cocurricular activities, as specified, that ensures that pupil participation in these activities is conditioned upon satisfactory educational progress, as specified, in the previous grading period

This measure would declare that it is not the intent of the Legislature to restrict access to performance based art classes which are required for graduation or used as a means to satisfy collegiate entrance requirements.

Res. Ch. 74 (SCR 38) Kopp. National center to map human genes

This measure would declare the support of the California Legislature to the location of a national center to map the entire set of human genes at a center operated by the University of California and the United States Department of Energy National Laboratories in the Bay Area.

Res Ch 75 (SJR 14) 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 76 (SCR 51) Campbell. Technology Week.

This measure would recognize the first week of November 1987, as Technology Week

Res Ch. 77 (ACR 64) Vasconcellos Self-esteem

This measure would request the California Task Force to Promote Self-Esteem and Personal and Social Responsibility to systematically endeavor to actively involve every Californian to participate, as specified, in the task force endeavors. Those endeavors would include developing effective vehicles for widespread participation including holding statewide and local public hearings to seek involvement of, and receive input from, local community groups and programs.

The measure would request and encourage the 58 counties to create their own self-esteem task forces to include specified membership. This measure would request that the members of the county task force be appointed no more than 30 days after the county adopts an ordinance or resolution to create the task force.

This measure would also request that the chairperson of the county board of supervisors appoint the chairperson of the county task force who would serve as a liaison to the state task force.

Res. Ch 78 (AJR 10) Eaves Aviation Trust Fund expenditures

This measure would memorialize the President and Congress to utilize the Aviation Trust Fund for needed aviation safety and improvement projects, pursuant to the original purposes of that fund.

Res. Ch. 79 (AJR 17) Wyman. Tungsten· strategic stockpiles.

This measure would memorialize the President and Congress to institute a tungsten upgrading and refining program in order to render the nation's strategic stockpiles of tungsten usable and to maintain the nation's tungsten milling industry

Res. Ch. 80 (AJR 36) Longshore. Elk Hills Naval Petroleum Reserve.

This measure would memorialize the President and the Congress of the United States to disapprove any sale or lease of the federal government's portion of the Elk Hills Naval Petroleum Reserve and to assure that not more than 20% of each oil sale from the reserve be granted to one corporate entity and its subsidiaries and affiliates

Res. Ch. 81 (SJR 17) Garamendi. School lunch programs federal funding

This measure would request the Congress of the United States to provide at least the level of funding provided in current law for school lunch programs in the 1987–88 fiscal year.

Res. Ch. 82 (SCR 33) Rogers. Missing disabled persons

This measure would request each police and sheriff's department to review its regulations and to adopt, if necessary, additional measures requiring the immediate attention to, and appropriate action on, missing person reports regarding disabled persons; and it would request each police and sheriff's department to continue providing the public with appropriate self-protection information and specific information for use by disabled persons in order that they can facilitate their own discovery or rescue in the event of a mishap

Res Ch 83 (SCR 34) Beverly Glenn Anderson Freeway.

This measure would designate State Highway Route 105 as the Glenn Anderson 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. 84 (SJR 8) Garamendi. Federal income taxes· construction contributions to public utilities.

This measure would memorialize the Congress to immediately enact legislation to restore the capital status of contributions to investor-owned energy and water utilities as it existed prior to the federal Tax Reform Act of 1986.

Res Ch. 85 (SJR 12) Torres Airport funding

This measure would memorialize the President and Congress to support and enact

legislation reauthorizing the Airport and Airway Improvement Act of 1982 and the Airport and Airway Trust Fund to preclude any interruption in the expenditure of aviation trust funds for the airport projects for which the funds were collected and intended.

Res. Ch. 86 (ACR 4) Cortese Drownings and accidents· pools and other bodies of water.

This measure would direct the State Department of Health Services to make available to the Legislature, upon request, any reports and information in its possession relative to drownings and near-drownings of toddlers and small children in pools and other bodies of water.

Res. Ch. 87 (ACR 36) Harris. Martin Luther King, Jr

This measure would encourage the Superintendent of Public Instruction, school districts, and county boards of education to offer instruction to pupils on the teachings of Martin Luther King, Jr , the Civil Rights Movement, and Black American History, and their impact on the American society as a whole, and that they instill in staff development programs for school personnel his teachings for prescribed purposes, and those of the Civil Rights Movement, and their impact on the American society as a whole

Res. Ch 88 (ACR 52) Mojonnier Teenage Pregnancy Conference.

Existing law provides for various health, education, and social services programs to assist minors who are pregnant or who have children.

This measure would provide that the Legislature actively supports the holding of a statewide planning conference to facilitate California's identification of those policies, programs, and services that are most needed for both primary and secondary prevention of teenage pregnancy, and to improve teenagers' access to timely perinatal care, appropriate parenting education, and support for the completion of high school.

Res. Ch. 89 (ACR 56) Filante Skilled nursing facilities.

This measure would request the Assembly Office of Research to investigate and report to the Legislature by June 1, 1988, with specific recommendations on funding alternatives and state support available to freestanding, nonprofit, community-based skilled nursing facilities

Res. Ch 90 (ACR 60) Kelley Citrus stock

This measure would request the Director of Food and Agriculture to appoint a committee to evaluate, as specified, the concept of requiring the use of clean state registered citrus stock in the propagating, producing, or selling of citrus stock in this state The measure would request that the director report the committee's findings to the Legislature on or before November 15, 1987.

Res. Ch. 91 (ACR 68) Leslie. Animal rights

This measure would condemn those responsible for the fire at the veterinary medicine diagnostic facility at the University of California, Davis, and would condemn those who have condoned that act of arson

Res Ch. 92 (AJR 15) Hauser Tributyltin-based marine bottom paints

This measure would memorialize the President and the Congress to enact an immediate ban on the use of tributyltin-based bottom paints by domestic or foreign vessels until such time as methods of use of TBT-based bottom paints or derivatives of organotin paints are developed that pose no threat to the marine environment

Res. Ch. 93 (AJR 19) Hauser. Fishing joint venture landings. levy

This measure would memorialize the Congress to enact legislation to immediately impose an equalization levy on all joint venture landings to be paid by the foreign flag mother ships and dedicated for state fisheries support, marketing, enforcement, and management

Res. Ch. 94 (AJR 20) Moore. Federal income taxes construction contributions to public utilities.

This measure would memorialize the Congress to immediately enact legislation to restore the capital status of contributions to investor-owned energy and water utilities as it existed prior to the federal Tax Reform Act of 1986.

Res. Ch 95 (AJR 24) Seastrand California Polytechnic State University Foundation.

This measure would state the Legislature's approval of the corporate existence of the nonprofit California corporation known as California Polytechnic State University Foundation, an auxiliary organization of California Polytechnic State University Foundation, San Luis Obispo

The measure would state the Legislature's approval, under certain conditions, of the form of obligations to be issued by the foundation for its administrative office facility, state that the state will accept the administrative office facility as a gift when it is in place, and provide that the Chancellor of the California State University is authorized to execute any necessary documents to implement this measure.

Res Ch 96 (AJR 35) Hauser. Veterans' Administration funding.

This measure would memorialize the President to support and the Congress to enact legislation that recognizes the medical needs of the large veteran population, and that will maintain funding for the Veterans' Administration

Res Ch 97 (SCR 6) Montoya. The Republic of Korea.

This measure would extend to the people of the Republic of Korea an invitation to join the people of California in a friendship and commerce program and to conduct mutually beneficial social, economic, educational, and cultural programs in order to bring our citizens closer together and strengthen international understanding and goodwill.

Res Ch 98 (AJR 11) Grisham. Air traffic safety· 3-dimensional radar.

This measure would memorialize the President and Congress to initiate emergency expert analysis of 3-dimensional radar as an interim remedy The measure would also urge the boards of supervisors of all California counties which host major commercial air traffic to pass measures in support of this resolution, to communicate these measures to the President and Congress, and to provide local funding for analyses by counties.

Res Ch. 99 (AJR 14) Hauser. Antifouling paints: informational and educational materials.

This measure would request the Environmental Protection Agency to devote all necessary staff and effort to prepare and distribute appropriate informational and educational materials on antifouling paints at the earliest possible date

Res Ch. 100 (AJR 32) W Brown National maritime museum establishment

This measure would memorialize the President and Congress to support and enact legislation establishing a national maritime museum in San Francisco.

Res. Ch 101 (ACR 7) Felando California Foundation on Aging

This measure would request the California Commission on Aging to incorporate the California Foundation on Aging as a nonprofit public benefit corporation for the purpose of soliciting, receiving, and disbursing contributions for the establishment and benefit of senior projects and programs

Res. Ch 102 (ACR 39) Hayden. Incentives for improving undergraduate teaching

This measure would request and encourage the Regents of the University of California, the Board of Trustees of the California State University, and the Board of Governors of the California Community Colleges, to adopt and enforce policies and incentives, as specified, for improving teaching, as specified, and to report by January 1, 1989, as specified, regarding actions taken toward, and costs associated with, full implementa-

tion.

Res. Ch 103 (ACR 41) Hayden. University of California. teaching assistants: proficiency in English language.

This measure requests that the University of California take specified steps to ensure the English language proficiency of its teaching assistants, and would request that the President of the University of California report, as specified, by December 31, 1988, regarding the selection, numbers, courses of instruction, and supervision of teaching assistants, and the steps taken to ensure their English fluency

Res. Ch. 104 (ACR 43) Leslie. Drug abuse: federal funds.

This measure would require specified state agencies which are to receive funds under the federal Anti-Drug Abuse Act of 1986, to study and submit a joint report to the Legislature containing specified information relating to the allocation and expenditure of funds under the federal act

Res. Ch. 105 (ACR 46) Hayden. Rapes on college or university campuses.

This measure would request all institutions of higher education to take specified action with respect to assisting rape victims and publicizing rapes that occur on their college or university campuses

Res. Ch. 106 (ACR 55) Bader. Rancho Cucamonga. grape festival.

This measure would designate the Grape Harvest Festival conducted at Rancho Cucamonga as the oldest Grape Harvest Festival in the State of California

Res. Ch. 107 (ACR 67) Stirling. Richard T. Silberman Bridge.

This measure would designate the bridge on State Highway Route 15 at Clairemont Mesa Boulevard as the Richard T. Silberman Bridge 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. 108 (ACR 70) W. Brown. University of California. admissions policy

This measure would request that the Regents of the University of California require all of its campuses to· (1) consider including representatives of ethnic minority groups in the admissions and enrollment committee, (2) publicly disclose their process of applicant selection, as specified, (3) intensify their outreach activities, as specified, and (4) institute an advisory committee, or expand existing advisory committees of ethnic minority community leaders, as specified

It would request that the Regents of the University of California submit a report to the education policy committees and to the fiscal committees of the Legislature by March 15, 1988, in the progress of the regents in doing these things, as specified.

This measure would also request that the Regents of the University of California review its admissions policy and report to the Legislature, as specified

Res. Ch. 109 (SCR 24) Mello. Catalonia Sister State Legislative Task Force.

This measure would create a 21-member Catalonia Sister State Legislative Task Force, and would specify the appointing authorities, quorum, and chairperson The task force would be authorized to encourage specified state agencies and private sector groups to develop exchange programs between California and Catalonia The task force would be required to report periodically, as specified, to the Legislature.

The measure would require the Joint Committee on Arts to make its staff available, as needed, to provide staff for the task force The measure would also authorize the Senate Committee on Rules to allocate money from the Contingent Fund of the Senate to the task force in accordance with the policies of the Senate Committee on Rules.

Res. Ch. 110 (SCR 41) Roberti. Hazardous Waste Control Account. fees.

This measure would request the State Department of Health Services to study the impact on small businesses of the structure of the fees which are imposed upon genera-

tors of hazardous waste and are deposited in the Hazardous Waste Control Account in the General Fund, and to report on its findings and recommendations to the Legislature by January 1, 1988, unless SB 1249 is chaptered by that date and requires the State Board of Equalization to make a study on the fee structure, in which case the board would be requested to do the study requested by the resolution as a part of the study required by SB 1249.

Res. Ch. 111 (SCR 46) Deddeh. William T. Bagley Freeway.

This measure would designate the portion of State Highway Route 101 from the Waldo Tunnel in Sausalito to State Highway Route 580 in San Rafael as the William T. Bagley Freeway. The measure would also request the Department of Transportation to determine the cost of erecting appropriate signs and to erect the signs upon receiving donations from private sources covering that cost.

Res Ch 112 (SCR 48) Keene Public Employees' Retirement System. California investments

Existing statutes confer exclusive control over the investment of the Public Employees' Retirement Fund upon the Board of Administration of PERS The existing California Constitution and statutes require that the investment be made pursuant to the so-called Prudent Expert Standard.

This measure would request the Board of Administration to give priority to investment in California and particularly in natural resources in economically depressed counties in California, to the extent consistent with the Prudent Expert Standard.

Res Ch. 113 (SCR 55) C. Green. Cancer awareness.

This measure would declare the week of April 18-24, 1988, and every third week of April thereafter, to be Cancer Awareness Week

Res Ch. 114 (SCR 56) Campbell Medi-Cal fiscal intermediary transition

This measure would request the Department of Health Services to ensure that Medi-Cal providers experience minimum difficulties in processing claims during the fiscal intermediary transition.

Res Ch. 115 (SJR 3) Rosenthal Telephone service inside wire maintenance

This measure would memorialize the President and Congress to enact legislation to reverse the Federal Communications Commission's decision to deregulate inside wiring maintenance by telephone corporations, would support the Public Utilities Commission in its efforts to oppose the usurpation of its regulatory authority, and would oppose legislative proposals by Congress to transfer authority from the Department of Justice to the Federal Communications Commission, unless input from specified sources is required

Res Ch 116 (SJR 15) Presley. Chlorofluorocarbon use restrictions.

This measure would memorialize the President of the United States to take measures to reduce the use of chlorofluorocarbons and other manufactured chemicals that can significantly deplete the Earth's ozone layer, and supports the President and Congress in taking measures to protect human health and the environment against adverse effects from emissions of chlorofluorocarbons and those other chemicals.

Res. Ch. 117 (ACR 47) Bader Mojave Freeway

This measure would designate that portion of State Highway Route 15 from its intersection with State Highway 215 at Devore to the Nevada state line as the Mojave Freeway

Res Ch. 118 (ACR 72) Costa. Water conservation

This measure would request the Department of Water Resources to develop suggested drought water conservation programs, to make them available to all urban and agricultural water agencies in the state, and to provide technical advice and assistance in water conservation activities

Res. Ch 119 (ACR 86) Bronzan. Mental Illness Awareness Week.
This measure would proclaim the week beginning on October 4, 1987, as "Mental Illness Awareness Week" and request the Governor to issue a proclamation calling upon the people of California to observe the week with appropriate ceremonies and activities.

Res. Ch 120 (ACR 90) Farr. Computer Learning Month
This measure would request the Governor of the State of California to proclaim the month of October 1987 as "Computer Learning Month."

Res. Ch 121 (ACR 92) Farr. "Coast Week" and "California Coastal Clean-Up Day."
This measure would declare October 4 through 10, 1987, as "Coast Week" and October 10, 1987, as "California Coastal Clean-Up Day."

Res. Ch. 122 (AJR 37) La Follette Alaska. boundary negotiations
This measure would state the Legislature's support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada. It would memorialize the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska and that the agreement is drafted in the form of a treaty for ratification by the United States Senate.

Res Ch. 123 (AJR 41) Quackenbush. MH-60G "Black Hawk" helicopter purchase.
This measure would memorialize the President and Congress of the United States to appropriate funds for the purchase of 6 MH-60G "Black Hawk" helicopters to be assigned to Moffett Naval Air Station.

Res. Ch. 124 (AJR 47) Roybal-Allard Family unity Immigration Reform and Control Act of 1986.
This measure would urge the President and Congress of the United States to support pending federal legislation that addresses issues of family unification under the federal immigration law. It would also urge the Commissioner of the Immigration and Naturalization Service to issue administrative directives to INS district offices to grant deferred action status to family members who might otherwise not be eligible for legal residence under the federal immigration law

Res. Ch 125 (AJR 53) Leslie. Red Ribbon Week.
Declares the Legislature's support for the Red Ribbon Campaign and the proclamation of October 25–31, 1987, as "Red Ribbon Week" and memorializes the President and Congress of the United States to do likewise

Res. Ch 126 (AJR 56) Floyd. Occupational safety and health.
This measure would memorialize the United States Secretary of Labor to continue to refuse to accept the Governor's contention that he can withdraw California from the federal Occupational Safety and Health Act of 1970 and not to start proceedings to withdraw California, or, if so, the measure would request a formal hearing to contest the withdrawal

Res. Ch. 127 (AJR 57) Felando Commercial tuna fishing.
This measure would memorialize the President of the United States, the Secretary of State, and the Congress to impose an embargo against tuna and fish products of Mexican origin.

Res Ch. 128 (ACR 25) Statham. Tourist information: roadside rest areas.
This measure would direct the Department of Transportation, in cooperation with the Office of Tourism in the Department of Commerce, to conduct an investigation of, and to transmit a report to the Legislature within one year from the date of adoption of the resolution on, the feasibility, benefits, and cost of a private/public jointly developed Statewide Tourist Rest Area Information System, as specified. The measure would provide for the planning and development and construction and operation of a pilot project

if the report determines the system is feasible

Res. Ch. 129 (ACR 35) Leslie. Sacramento freeway traffic.

This measure would request the Department of Transportation to cooperate with the Sacramento Area Council of Governments in its study of transportation problems in Sacramento's metropolitan areas, as specified and would request the report to be submitted to the Legislature on or before January 1, 1989.

Res. Ch. 130 (ACR 65) Vasconcellos Self-esteem.

This measure would provide that specified state agencies fully cooperate with the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility by, among other things, designating a liason to the task force, providing information and other data upon its request, and annually informing the task force of programs, initiatives, and other efforts made by the agency to promote the goal of increased self-esteem, as well as recommendations for implementing this goal.

Res. Ch. 131 (ACR 80) Costa. Kern County groundwater.

This measure would request the Department of Water Resources to proceed with implementation of a program for direct recharge of State Water Project water supplies in the Kern River alluvial fan area through specified means.

Res Ch. 132 (ACR 81) Elder. Legislative employees' compensation.

This measure would express the intent of the Legislature with regard to benefits of employees of the Legislature pursuant to Section 9200 of the Government Code The measure would also authorize the Rules Committee of each house to provide for the manner and form by which an employee of the Legislature may elect to have specified benefits made in lieu of a portion of his or her monthly compensation in accordance with Section 9200 of the Government Code.

Res. Ch. 133 (ACR 88) Margolin. Beverage containers: Recycling Week.

This measure would proclaim the week of October 5 to 9, 1987, as Recycling Week and urge all Californians to participate in recycling beverage containers.

Res. Ch. 134 (ACR 89) Bates. Joint Select Task Force on the Changing Family.

This measure would create a Joint Select Task Force on the Changing Family to report to the Legislature on specified issues, develop legislative recommendations, and make recommendations to the Legislature on methods for evaluating the impact of program and policy development on family stability using basic family functions, as specified. The task force would terminate on November 30, 1988.

Res. Ch. 135 (ACR 91) Filante. AIDS Awareness Month.

This measure would make a legislative declaration declaring October 1987 as California AIDS Awareness Month.

This measure would also request the Governor to proclaim October 1987 as California AIDS Awareness Month

Res. Ch. 136 (AJR 49) Nolan. Taiwanese poultry import restrictions.

This measure would request the President, Congress, and the United States Trade Representative to urge Taiwan to lift its ban on imported chicken parts.

Res. Ch. 137 (AJR 50) Roybal-Allard. Salvadoran death squads.

This measure would condemn the ongoing terror campaign by death squads against central American refugees in Los Angeles and San Francisco. It would declare the California Legislature's support for the United States Congressional subcommittee inquiry into the death squad's activities.

This measure would also request the Mayors of Los Angeles and San Francisco and the Director of the Federal Bureau of Investigation to take all necessary action to accomplish the intent of this measure.

Res Ch 138 (AJR 51) Johnson. Contracts with Toshiba Corporation of Japan and Kongsberg Vaapenfabrikk.

This measure would memorialize the President, Congress, and the Department of Defense to support legislation punishing Toshiba Corporation of Japan and Kongsberg Vaapenfabrikk, a state-owned company of Norway.

Res. Ch. 139 (AJR 55) Isenberg. Indian health care services

This measure would urge the Secretary of Health and Human Services not to publish, or to rescind if published, a regulation limiting the eligibility of Indians for health care services to those who are members of federally recognized tribes. The measure would also memorialize the President and the Congress of the United States to enact legislation that will define "Indian" for the purposes of eligibility to receive federal health care benefits to include California Native Americans who do not have federally recognized Indian tribal status

Res. Ch. 140 (SJR 7) Seymour. AFDC-foster care.

This measure would memorialize the President and Congress of the United States to amend provisions of the Social Security Act to provide for AFDC-foster care benefits for children of parents who are themselves in foster care.

Res. Ch 141 (SJR 19) Kopp. Oil and gas royalties

This measure would memorialize the President and Congress and the Secretary of the Interior to ensure that oil and gas royalties are efficiently collected by the federal government and disbursed to the states in accordance with federal law.

Res Ch 142 (SJR 24) Petris. Turkish invasion of Cyprus.

This measure would memorialize the President and Congress to assist the United Nations Secretary General in finding a solution to the conflict between Cyprus and Turkey through diplomatic, economic, and humanitarian means.

Res Ch. 143 (SJR 28) Torres Recommendation of Everett Alvarez, Jr for the Presidential Medal of Freedom.

This measure would recommend that the President of the United States present Everett Alvarez, Jr. with the Presidential Medal of Freedom.

Res. Ch. 144 (SJR 26) Deddeh. Federal gasoline taxes.

This measure would memorialize the President and the Congress of the United States not to use or increase the federal excise tax on gasoline to reduce the federal budget deficit.

Res. Ch. 145 (SCR 30) Montoya Task Force on Financial Planning Regulations.

This measure would create a 34-member task force for the purposes of submitting a proposal to the Legislature and to the Governor with respect to the regulation of financial planners

Res. Ch. 146 (SCR 43) Presley The state's Hispanic population.

This measure would make various findings and declarations regarding the state's Hispanic population and resolve that the University of California take certain actions to assist in finding solutions to various enumerated problems facing the state and the state's Hispanic population.

This measure would request that the university initiate efforts in helping coordinate the state's resources toward a comprehensive approach to these problems, as specified, and that the university seek suitable research and graduate training funds, as specified.

This measure would request that the university consider formation of a social research policy and priorities task force and advisory committee to help advise and coordinate the university's efforts, as specified.

This measure would request that these policy research efforts concentrate on, but not be limited to, health, education, employment, government participation, housing, welfare, criminal justice, and immigration policy areas, as specified.

This measure would request that the university consider, as an initial priority, the thorough cataloging and collecting of information on existing efforts and available funding so as to avoid duplication of efforts, as specified.

The measure would provide for a specified report by the university and for development within the university of a focused and coordinated capacity to do research and to address concerns raised by the measure.

Res Ch 147 (SCR 45) Roberti Developmental disabilities.

This measure would require the Legislative Analyst to prepare a report for submission to the Legislature by January 1, 1988, that provides specified information relating to methods for implementing a decision of the California Supreme Court concerning involuntary commitments of developmentally disabled persons

The measure would require the Legislative Analyst, in preparing this report, to consult with certain organizations.

Res Ch. 148 (SCR 54) Rosenthal. Jewish citizens of the Union of Soviet Socialist Republics: adoption of Refuseniks by the Legislature.

This measure would provide for the adoption by the Legislature of specified Jewish citizens of the Union of Soviet Socialist Republics The measure would also memorialize the government of the Union of Soviet Socialist Republics to allow the named individuals, and other Soviet Jews, to emigrate in accordance with international law.

Res Ch. 149 (SJR 29) Doolittle. National forest burned areas

This measure would memorialize the Secretary of Agriculture and the Congress of the United States to immediately implement and fund a salvage program in those burned areas of United States Forest Service lands in California, and would request that those destroyed areas that were presently being harvested, as well as those areas that were being prepared for sale, be considered first

DIGEST OF RESOLUTION ADOPTED IN 1987

1987–88 FIRST EXTRAORDINARY SESSION

RESOLUTION CHAPTER

Res. Ch. 1 (SCR 1) Roberti 1987–88 First Extraordinary Session: Joint Rules

This measure would adopt the Temporary Joint Rules of the Senate and Assembly for the 1987–88 Regular Session as the Temporary Joint Rules of the Senate and Assembly for the 1987–88 First Extraordinary Session, except as specified.

1987 DIGEST CHAPTERS SUPERIOR NUMBERS

1 I am deleting the following amount included in the special fund appropriation contained in Section 1 of Assembly Bill No 392

Department of Education, Driver Training Program - $636,000

The 1986 Budget Act specifically limited funding for the Driver Training Program to $19.5 million To this extent, the State is not obligated to provide additional funding for this fiscal year However, I have increased funding for this purpose for the 1987–88 fiscal year in recognition of enrollment growth

With this deletion, I approve Assembly Bill No 392

GEORGE DEUKMEJIAN, Governor

2 I am deleting the following appropriation included in the General Fund appropriation contained in Assembly Bill No 533.

Department of Health Services, Medically
Indigent Services Program (MISP) $25,000,000

The MISP block grant program has been completed for the year at the level funded in the Budget Act and through a subsequent augmentation conformed in legislation

With this deletion, I approve Assembly Bill No 533

GEORGE DEUKMEJIAN, Governor

3 I object to the following appropriations contained in Senate Bill No. 152.

Item 0250-490—Reappropriation, Judiciary I delete Provision 1

I believe it is inappropriate to transfer funds appropriated for a Judicial Council project to the Department of General Services to undertake a new project which has never been reviewed by the Administration Retrofit of the San Francisco State Building is currently being studied. Upon completion and approval of the study, General Services can propose funding of the project and compete for available resources on a priority basis through the normal budgetary process

"1. Funds included under this item to remodel the Orange County Courthouse are hereby appropriated for transfer to, and in augmentation of, Item 1760-301-036, for preliminary plans for remodeling of the San Francisco State Building (350 McAllister and 455 Golden Gate), only if Assembly Bill No 666 of the 1987–88 Regular Session is chaptered."

Item 0585-001-001—For support of California State World Trade Commission I reduce this item from $1,942,000 to $1,442,000

I am reducing this item to conform with my action in Item 0585-001-981

Item 0585-001-981—For support of California State World Trade Commission. I reduce this item from $2,202,000 to $1,702,000 by reducing.

(a) Personal Services from $1,117,000 to $617,000,

and deleting Provision 1.

I am deleting the $500,000 legislative augmentation for a feasibility study, development, and implementation of a trade fair for Pacific Rim trade partners to be held during the summer of 1988 The budget provides $315,000 for the Commission to participate in 12 international trade shows in 1987–88 The Commission may participate in any trade shows that it deems appropriate within its existing budgetary resources

I am deleting Provision 1 to conform with this action.

"1. Of the funds appropriated in category (b), $500,000 shall be used by the commission for a feasibility study, development, and implementation of a California Trade Fair for Pacific Rim trade partners to be held during the summer of 1988 The feasibility study shall include, but not be limited to, an assessment of the economic benefits which would be realized by holding a California Trade Fair with representatives of Pacific Rim trade partners in the manufacturing, business, services, and agriculture sectors of the economy during the summer of 1988. The feasibility study, along with plans for the development and implementation of a Trade Fair, shall be reported to the

fiscal committees of the Legislature no later than January 1, 1988."

Item 0820-001-001—For support of Department of Justice. I reduce this item from $152,981,000 to $152,716,000 by reducing:

(g) 50-Law Enforcement from $126,138,000 to $125,873,000.

I am reducing this item by $265,000 and 11.4 personnel years to delete the augmentation for the accelerated conversion of the automated child abuse system. The merits and the costs of the accelerated project have not been established. If the department provides the necessary information, the project can be considered in the 1988–89 fiscal year budget process. However, the budget still provides $709,000 for the 1987–88 fiscal year to fund the current conversion schedule, which is expected to be completed by fiscal year 1994–95.

Item 0860-001-001—For support of State Board of Equalization. I reduce this item from $98,671,000 to $97,760,000 by reducing

(a) 100000-Personal Services from $113,428,000 to $112,612,000,

and

(b) 300000-Operating Expenses and Equipment from $30,066,000 to $29,971,000.

I am deleting the $911,000 legislative augmentation for the Sales and Use Tax program as related to the administrative costs for tax collection in Alameda County Current law provides for the amount to be charged to each jurisdiction for the costs to administer the local option sales tax I believe each local jurisdiction should pay no more than its fair share. However, before any adjustments are made to the charges provided for by current law, I am requesting the Board of Equalization to conduct a study of its actual costs associated with administering this tax and submit their findings to the Department of Finance for consideration in the 1988–89 budget process

Item 0890-001-001—For support of Secretary of State I delete Provision 4

Provision 4 would have required that funds appropriated for the Uniform Commercial Code (UCC) program conversion costs be used only for that purpose. In light of the 16 percent reduction made by the Legislature to the $3 million UCC automation project, this language unnecessarily restricts the department's ability to implement the project and limits the administrative flexibility that is necessary to implement a project of this scope and magnitude

"4 The funds appropriated for the Uniform Commercial Code program conversion costs shall be used only for that purpose."

Item 1100-001-001—For support of Museum of Science and Industry. I reduce this item from $8,554,000 to $8,504,000 by reducing:

(b) 300000 Operating Expenses and Equipment from $4,165,000 to $4,115,000

and by deleting Provisions 3 and 5.

I am reducing this item by $50,000. The Legislature augmented the budget by $200,000 to fund the development of a master capital outlay plan for Exposition Park in Los Angeles. I support the need for a master capital outlay plan at Exposition Park which would provide for better utilization of this area and would benefit visitors to the park. However, I am reducing the augmentation to reflect a revised estimate of the amount actually needed to complete the master plan.

I am also deleting Provisions 3 and 5 because this language is unnecessary and would restrict the Museum's ability to implement the master capital outlay plan project. In addition, the language limits the administrative flexibility that is necessary to implement a project of this scope and magnitude.

"3. Except for the Natural History Museum, which shall submit all proposed construction to the Joint Legislative Budget Committee for approval, no new facility construction shall be approved by the California Museum of Science and Industry Board of Directors prior to 30 days after submission to the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairperson may determine, of a master capital outlay plan for Exposition Park and, where appropriate, the surrounding area.

5 The California Museum of Science and Industry shall submit its draft of the Request for Proposal to the Joint Legislative Budget Committee for approval, prior to release for response. Additionally, the California Museum of Science and Industry shall submit for approval to the Joint Legislative Budget Committee the proposed individual or group of individuals, firm, or

organization with which the California Museum of Science and Industry proposes to contract for the development of the master capital outlay plan for Exposition Park."

Item 1150-008-128—For support of Bureau of Automotive Repair. I revise this item by reducing:

(a) 12-Bureau of Automotive Repair from $38,746,000 to $36,596,000, and

(c) Amount payable from the Vehicle Inspection Fund (Item 1150-008-420) from −$31,148,000 to −$28,998,000.

I am reducing this item by $2,150,000 and 33.5 personnel years from the amount payable from the Vehicle Inspection Fund to correspond to my action taken in Item 1150-008-420.

Item 1150-008-420—For support of Bureau of Automotive Repair I reduce this item from $31,148,000 to $28,998,000

I am reducing $2,150,000 of the legislative augmentation for the Smog Check Program. This augmentation was added based on a report by the Inspection and Maintenance Review Committee which identified a need to increase the Bureau of Automotive Repair's Undercover Vehicle Inspection Program and recommended other technical changes to the Smog Check Program to reduce vehicle emissions within California While I support efforts to resolve air quality problems associated with emission standards within the state, it appears unlikely that the Bureau of Automotive Repair can expand their enforcement program as quickly as anticipated in the augmentation. I am retaining $2,150,000 of the augmentation to be available for a phase-in of new staff over the year for an increased enforcement effort in the Smog Check Program. Full implementation of this expanded enforcement program by the end of 1987–88 will provide the capability to perform an undercover inspection in each smog check station once every two years rather than once every six years.

These actions reduce the amount payable from this item to Item 1150-008-128.

Item 1700-001-001—For support of Department of Fair Employment and Housing. I reduce this item from $9,293,000 to $9,292,000 by reducing:

(a) 50-Administration of Civil Rights Law from $11,359,000 to $11,358,000, and by deleting Provision 1

I am reducing this Item by $1,000. During 1986–87, the Department of Fair Employment and Housing consolidated the operations of the San Francisco legal office into the Sacramento legal office and eliminated the Boalt Hall Employment Discrimination Clinic. The Legislature transferred funds from the Department of Fair Employment and Housing main support item to newly created items for the Los Angeles legal office, San Francisco legal office and the Boalt Hall Employment Discrimination Clinic The amounts appropriated in these four items are based on the premise that all rent and other operating expenses for the legal offices will be paid from the main support item. However, the language in Provision 1 specifically precludes any transfer of funds to pay for the rent and other operating expenses in the three newly created items. The Department of Fair Employment and Housing would incur at least $1,000 of cost to relocate staff and pay the support expenses related to reestablishing the San Francisco legal office and the Boalt Hall Clinic. Although funds have not been budgeted for these administrative costs, I am reducing $1,000 which represents the savings that will be achieved based on vetoing language contained in Provision 1 of this item and similar provisions in the newly created items

I am deleting Provision 1 to conform to this action.

I also believe Provision 1 is inconsistent with two constitutional provisions First, the language violates the separation of powers provision concerning the Executive Branch authority. Second, the language represents a substantive change of law which can only be included with a single subject bill, not the Budget Act.

"1. None of the funds appropriated in this item shall be encumbered for transfer to any legal services operation in any legal office or discrimination clinic."

Item 1700-011-001—For support of Department of Fair Employment and Housing, Los Angeles Legal Office. I revise the language in this item, and delete Provision 1

The Department of Fair Employment and Housing has a district office in Los Angeles which employs four attorneys to handle civil rights cases. The department

does not consider the legal staff in Los Angeles to constitute a legal office so I am revising this item to read.

"1700-011-001—For the support of Department of Fair Employment and Housing ~~; Los Angeles Legal Office~~."

I am deleting Provision 1 because this provision and the location specified in the item (Los Angeles Legal Office) are inconsistent with two constitutional provisions First, the language violates the separation of powers provision concerning the Executive Branch authority. Second, in as much as existing law does not define or reference the Los Angeles Legal Office, the language represents a substantive change of law which can only be included within a single subject bill, rather than the Budget Act. I believe the director of the Department of Fair Employment and Housing should be provided the opportunity to relocate staff and allocate funds to meet departmental needs which this language would prohibit

"1. The funds appropriated in this item shall be spent only in Los Angeles for legal staff and support of legal staff."

Item 1700-021-001—For support of Department of Fair Employment and Housing, San Francisco Legal Office. I reduce this item from $383,000 to $382,000, revise the item language in the item and delete Provision 1.

The relocation of staff from Sacramento to San Francisco to reestablish a legal office would cost at least $1,000. Last year the department closed the San Francisco legal office and consolidated the positions with the Sacramento office, and evidence has not been provided to justify the reopening of this office Although relocation costs have not been budgeted in 1987–88, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 1 of this item.

I am revising the language in the item to conform to this action.

"1700-021-001—For support of Department of Fair Employment and Housing ~~; San Francisco Legal Office~~"

I am also deleting Provision 1 because this provision and the location specified in the item (San Francisco Legal Office) are inconsistent with two constitutional provisions. First, the language violates the separation of powers provision concerning the Executive Branch authority Second, in as much as existing law does not define or reference the San Francisco Legal Office, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

"1. The funds appropriated in this item shall be spent only in San Francisco for legal staff and support of legal staff"

Item 1700-031-001—For support of Department of Fair Employment and Housing, Boalt Hall Employment Discrimination Clinic I reduce this item from $73,000 to $72,000, revise the language in this item and delete Provision 1

The relocation of staff from Sacramento to Berkeley to reestablish a legal clinic at Boalt Hall School of Law would cost at least $1,000 Last year the department closed the Boalt Hall legal clinic and evidence has not been provided to justify the reopening of this clinic Although relocation costs have not been budgeted in 1987–88, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 1 of this item

I am revising the language in the item to conform to this action

"1700-031-001—For support of Department of Fair Employment and Housing ~~; Boalt Hall Employment Discrimination Clinic~~"

I am also deleting Provision 1 because this provision and the location specified in the item (Boalt Hall Employment Discrimination Clinic) are inconsistent with two Constitutional provisions First, the language violates the separation of powers provision concerning Executive Branch authority. Second, in as much as existing law does not define or reference the Boalt Hall Employment Discrimination Clinic, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

"1 The funds appropriated in this item shall be spent only at the University of California at Berkeley for the Employment Discrimination Clinic at Boalt Hall School of Law."

Item 1730-001-001—For support of Franchise Tax Board. I reduce this item from

$143,010,000 to $142,107,000 by reducing:

(a) 100000-Personal Services from $106,969,000 to $106,562,000,

and

(b) 300000-Operating Expenses and Equipment from $38,436,000 to $37,940,000

I am reducing this item by $531,000 and 14 8 personnel years to maintain the same relative level of audit activity as in the past The legislative augmentation would fund the audit program at the $5 to $1 revenue-to-cost ratio using marginal costs rather than at the $5 to $1 level using total costs The audit plan has always been developed on a total revenue-to-cost basis with $5 to $1 as the target level. Nothing has changed the methodology and assumptions that have been used in recent years The 1987–88 budget contains an additional $4,069,000 and 142 personnel years for more audits and collections resources which I believe will provide an appropriate level of tax enforcement.

I am also reducing this item by $372,000 which provided General Fund money to replace reimbursements. I believe the Board can achieve the level of reimbursements proposed in the 1987–88 budget making this augmentation unnecessary

Item 1760-001-001—For support of Department of General Services, for transfer to Item 1760-001-666. I reduce this item from $8,917,000 to $8,897,000

I am reducing this item by $20,000 to delete the legislative augmentation to fund staff benefit increases for elevator operators Adjustments to staff benefits for elevator operators are more appropriately addressed through the collective bargaining process.

Item 1760-001-666—For support of Department of General Services, payable from the Service Revolving Fund I revise this item by reducing·

(a) Personal Services from $160,139,000 to $160,119,000,

(e) Amount payable from the General Fund (Item 1760-001-001) from −$8,917,000 to −$8,897,000

I am reducing this item by $20,000 from the amount payable from the General Fund to correspond to my action taken in Item 1760-001-001

Item 1760-012-036—For support of Department of General Services, for activities other than the Office of State Printing, payable from the Special Account for Capital Outlay I reduce this item from $9,666,000 to $8,040,000 by reducing:

(b) Operating Expenses and Equipment from $9,280,000 to $7,654,000

I am reducing this item by $1,626,000 to delete the legislative augmentation for the construction phase of 65 projects to replace polychlorinated biphenyl (PCB) equipment at California State University campuses. I believe this augmentation is premature I have included $226,000 in the budget to fund the preliminary plans and working drawing phases of these projects These preliminary plans and working drawings will provide more accurate information on which we can determine the extent of the problems and the cost to correct them Funding for the construction phase of these projects will be proposed for the 1988–89 budget. I am approving a total of $8,040,000, including the $226,000 provided for preliminary plans and working drawings, from the Special Account for Capital Outlay and $755,000 from various special funds to replace PCB equipment at state-owned facilities.

Item 1760-301-036—For capital outlay, Department of General Services I reduce this item from $2,962,000 to $1,133,000 by deleting

(7) 50.10 045-Site 5-State Library, Working Drawings ($659,000),

(8) 50 25 002-Van Nuys State Office Building-Space Frame Roof Covering ($400,000) and

(9) 50 25.003-Van Nuys State Office Building-Site Acquisition and Relocation Expenses ($770,000),

and deleting Provision 2

I am deleting the $659,000 legislative augmentation for Site 5-State Library working drawings because I believe it is premature to fund working drawings for this project until the preliminary plans are completed and the scope of the project is well defined.

I am deleting Provision 2 to conform to this action

"2. Funds for working drawings appropriated pursuant to category (7) for Site 5 shall not be available for expenditure sooner than 30 days after the completed preliminary plans have been submitted to the Chairperson of the

Joint Legislative Budget Committee and to the chairs of the Legislative fiscal committees "

I am deleting the $400,000 legislative augmentation for the Van Nuys State Office Building Space Frame Roof Covering because the project should be submitted through the annual budget process in the context of competing with Statewide priorities.

I am also deleting the $770,000 legislative augmentation for the Van Nuys State Building Site Acquisition because the need for the State to acquire this property has not been justified

Item 2200-001-001—For support of Department of Commerce. I reduce this item from $15,286,000 to $15,132,000 by reducing:

(f) 50-Small Business from $1,352,000 to $1,198,000

I am reducing $154,000 of the $300,000 Legislative augmentation for the Small Business Development Center (SBDC) program. Chapter 1154, Statutes of 1983, which implemented the State SBDC program, linked the State program to the Federal Small Business Administration (SBA) program. Because SBA funds were terminated in 1986–87, no State matching funds were provided for this purpose. During 1986–87, however, $429,000 in Federal Jobs Training Partnership Act (JTPA) funds, which require no State matching funds, were allocated to support SBDCs The department has requested a continuation of the current JTPA unexpended balance of $154,000 Coupled with the $146,000 which I am leaving in this item, the continuation funds will provide the department a program level of $300,000.

Item 2200-101-922—For local assistance, Department of Commerce I delete Provision 2.

Chapter 1229, Statutes of 1977 created the California Economic Development Grant and Loan Fund to create long-term or permanent jobs in areas of high unemployment Grants are provided for public works and facilities needed to attract new industry and create business expansion which will result in economic benefits in these areas The loan program provides for direct loans to public agencies or private businesses which are seeking to establish or expand their operations

I am deleting Provision 2 because it would require the use of grant funds for a purpose not consistent with the creation of long-term or permanent jobs in areas of high unemployment as required by Chapter 1229, Statutes of 1977.

"2 Of the amount appropriated in this item, $40,000 shall be used to finance the redesign of the current kiosk at the Interstate 80/Hunter Hill Rest Stop "

Item 2640-101-046—For local assistance, Special Transportation Programs. I reduce this item from $27,000,000 to $2,000,000 and revise Provision (c).

I am reducing this item by $25,000,000 because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes. I recognize that this will reduce the transit funding available under the State Transit Assistance Program. Because I believe this is an important program, I would sign legislation to provide $25 million for this purpose from the Special Account for Capital Outlay. There will be sufficient resources in the Account for this purpose

"2640-101-046—For local assistance, Special Transportation Programs, for allocation by the State Controller, payable from the Transportation Planning and Development Account in the State Transportation Fund, ~~60~~ *10* percent of the revenues transferred into the Transportation Planning and Development Account in the State Transportation Fund pursuant to paragraphs (1) and (2) of subdivision (a) of Section 7102 of the Revenue and Taxation Code during the 1987–88 fiscal year, for allocation in the 1987–88 fiscal year pursuant to Section 99312 of the Public Utilities Code.

Provisions:

(a) (1) 70 percent of this appropriation shall be allocated pursuant to Section 99313 of the Public Utilities Code.

(2) 30 percent of this appropriation shall be allocated pursuant to Section 99314 of the Public Utilities Code.

(b) Notwithstanding Sections 99313 and 99314 of the Public Utilities Code, an amount not more than $70,500 of the amount appropriated by this item shall

fund the Department of Transportation's expenditures for administration of State Transit Assistance funds and the federal match requirement of the Transit Management Assistance program, and an amount not more than $48,000 of the amount appropriated by this item shall fund the State Controller's expenditures for administration of State Transit Assistance funds.

(c) Notwithstanding any other provision of law, no more than ~~$15,000,000~~ *$20,000,000* may be transferred to the Transportation Planning and Development Account in the State Transportation Fund during the 1987–88 fiscal year pursuant to subparagraph (E) of paragraph (2) of subdivision (a) of Section 7102 of the Revenue and Taxation Code."

Item 2660-001-042—For support of Department of Transportation. I reduce this item from $918,976,000 to $918,973,000 by reducing:

(b) Highways from $1,093,702,000 to $1,093,699,000,

and deleting Provisions 4 and 8.

I am deleting the 60.2 personnel years added for highway maintenance. In reviewing the Legislature's action on the department's contracting-out proposals, I have determined that traffic guidance and landscape maintenance continue to be appropriate areas for contract work. It should be noted further that this Budget includes an additional 46.6 personnel years for Caltrans' highway maintenance activities, which must be performed by staff rather than through contracts, demonstrating the department's thoughtful approach to distinguishing between in-house and contract work.

I am reducing this item by $1,000 and deleting Provision 4. Provision 4 requires an unnecessary expenditure. It implies that the intent of the program is to eliminate an unsafe or unhealthy condition, which would be evidenced by an improvement in the inside air quality after the project is finished. This is incorrect. The purpose of the asbestos removal program is to replace the asbestos insulation before it becomes a hazard. This is preventive, not remedial, action. Therefore, the proposed language is inappropriate.

"4. The Department of Transportation shall obtain air samples of all spaces scheduled to undergo asbestos removal In the contract provisions for asbestos removal, contractors shall be required to show that, upon completion of the project, the airborne asbestos level shall be at or below either the limits allowed by the governing regulatory agency or the level identified from the air sample taken prior to initiating the project, whichever is less."

I am further reducing this item by $2,000 and deleting Provision 8. Provision 8 restricts the Director's statutory duty to act in the best interest of the State Further, it specifies terms and conditions which would result in a net cost to the State Highway Account by requiring the department to perform and pay for activities that are properly the responsibility of the lessee. Although I encourage the department to continue to negotiate an acceptable lease, the proposed language is too costly and restrictive.

"8. The department shall enter into a long-term minimum-cost lease with the City of Los Angeles for approximately 2.5 acres at the termination of Route 2 at the north-east corner of Duane and Waterloo Streets in the City of Los Angeles for use as a ballpark.

The terms of the lease agreement shall include:

(a) A ten year nonrevocable lease;

(b) The City of Los Angeles shall pay an estimated $100 a year for the term of the lease;

(c) The department shall prepare a plan for future uses of the freeway ramp system adjacent to the proposed park;

(d) If it is determined that the park land will be needed for future reconstruction of freeway access ramps or for other highway purposes, the department shall have the right not to renew the lease after the initial ten-year period.

(e) If the department determines there to be no highway needs for the park land at the end of ten years, it shall enter into a long-term lease with, or

sell the land to, the City of Los Angeles for park purposes.

(f) The park site shall be cleared of the mounds of asphalt, concrete, dirt, and roadway materials, and graded so as to be usable as a ballfield before the land is leased to the City.

(g) A six-foot chain link fence shall be constructed between the property and the Route 2 highway before the land is leased to the City."

Item 2660-101-042—For local assistance, Department of Transportation. I reduce this item from $64,170,000 to $64,120,000 by reducing·

(a) 20-Highway Transportation from $32,250,000 to $32,200,000

and revising Provision 3.

I am reducing $50,000 of a $250,000 legislative augmentation to complete a management plan for the Least Bell's Vireo I agree that completion of the management plan must be expedited in order to permit a number of important State and local construction projects in San Diego County to proceed. However, when I originally approved Caltrans' participation in the management plan, it was with the understanding that local interests would co-fund the plan's costs as a cooperative effort with the State. I have been informed that the San Diego Association of Governments agrees with the principle of co-funding and has offered to provide $50,000 towards completion of the management plan. Therefore, the total State funds needed for the plan have been reduced to $200,000.

I am revising Provision 3 to conform with this action.

"3 ~~$250,000~~ *$200,000* appropriated by this item shall be for completion of a management plan for the Least Bell's Vireo "

Item 2660-301-042—For capital outlay, Department of Transportation. I delete Provision 4.

I am deleting Provision 4 because I do not believe it is appropriate to attempt to change substantive law in the budget by making the expenditure of this Budget Act appropriation contingent on the enactment of other legislation. Existing law already provides both a set of priorities for highway projects and a detailed procedure for applying these priorities to the annual State Transportation Improvement Program. If legislation is subsequently enacted which changes the priorities and guidelines, the Department will, of course, follow the law.

"4 Of the amount appropriated in this item, $295,000,000 in State Highway Account funds shall not be allocated for highway capital outlay projects until legislation has been enacted to provide the Department of Transportation and the California Transportation Commission with guidelines to determine the use of state funds. Prior to its enactment, that legislation shall have been approved by the committees in each house which consider the budget bill."

Item 2720-001-044—For support of Department of the California Highway Patrol I reduce this item from $470,711,000 to $470,303,000 by reducing:

(a) 10-Traffic Management from $432,665,000 to $432,257,000.

I am reducing this item by the $408,000 and 4.0 positions which the Legislature added for an additional multidisciplinary accident investigation team in Southern California I feel assured that the Patrol will continue its fine job of deploying the three teams currently budgeted to investigate accidents whenever they occur. It is not necessary, therefore, to establish an additional team in the budget year.

Item 3110-101-140—For local assistance, Special Resources Program, Program 10—Tahoe Regional Planning Agency. I delete Provision 4.

I am deleting Provision 4 because this language is unnecessarily restrictive. The budget provides $546,000 in funding for various studies and one-time projects in the Tahoe Basin. The Tahoe Regional Planning Agency should have the flexibility to contract with whomever can provide competent water quality monitoring service at a competitive price.

"4. It is the intent of the Legislature that the current working relationship between the Tahoe Regional Planning Agency and the Tahoe Research Group concerning water quality monitoring be maintained."

Item 3340-001-001—For support of California Conservation Corps. I reduce this item from $36,882,000 to $36,382,000 by reducing.

(a) 10-Training and Work Program from $48,904,000 to $48,404,000,
and by deleting Provision 4.

I am reducing the amount provided for the local corps program by $500,000 because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes. I am retaining $2,000,000 for the continuation of this program.

I am deleting Provision 4 because no funding has been provided for this purpose The Legislature originally included $74,000 and language in the Corps' capital outlay budget, Item 3340-301-036, to make funding in that item available for support of a project for the homeless. However, the Legislature later removed the funds and the language which would have provided the resources for this project, but did not remove the companion language in this item.

"4. Of the funds appropriated in this item, $74,000 shall be for a grant to the San Francisco Conservation Corps for a project for the homeless."

Item 3360-011-465—For support of State Energy Resources Conservation and Development Commission. I delete this item.

I am deleting the transfer of $5,565,000 from the Energy Resources Programs Account fund balance to the General Fund For the past three fiscal years it has been necessary to rely upon Energy Resources Programs Account fund reserves to address funding deficiencies resulting from unanticipated workload increases in the power plant siting program administered by the Energy Commission While I have provided significant increases in personnel in this critical workload area, it is important to maintain an adequate reserve in the fund to address any unforeseen increase in this statutorily mandated workload Deletion of this item will assure that sufficient funding is available from the Energy Resources Programs Account for this purpose as well as other energy conservation and development activities

Item 3400-001-001—For support of State Air Resources Board. I revise this item by reducing:

(a) 10-Air Pollution Control from $52,695,000 to $52,670,000

(f) Amount payable from the Environmental License Plate Fund (Item 3400-001-140) from −$1,535,000 to −$1,510,000,
and by deleting Provision 4 and revising Provision 2.

I am deleting the $25,000 and 0.9 personnel year legislative augmentation for a study of air emissions from tire-burning facilities. AB 514 of the current session would require the Air Resources Board, in cooperation with the Waste Management Board and the Energy Commission, to conduct a comprehensive waste rubber tire study. Any funding augmentation should be considered in the pending legislation along with the policy considerations

I am deleting Provision 4 to conform with this action.

"4. Of the amount appropriated in this item, $25,000 (as transferred from Item 3400-001-140) is to prepare a study of the air emissions from tire-burning facilities. The study shall be distributed to local districts to assist in permit activities."

I am also revising Provision 2. This provision would limit the State's share of the costs for fiscal year 1987–88 to 30 percent of the total cost for the air quality study of the San Joaquin Valley. While I agree that the 30 percent maximum limit on the State's share over the life of the project is appropriate, I am concerned that specifying that the limit applies to the 1987–88 fiscal year may result in a problem with the timing of the receipt of funds from other participants.

"2. The State's share of the San Joaquin Valley Data Collection and Modeling Study shall not exceed 30 percent of the total expenditures for this study ~~in the 1987/88 fiscal year~~."

Item 3400-001-140—For support of State Air Resources Board, for transfer to Item 3400-001-001. I reduce this item from $1,535,000 to $1,510,000

I am deleting the $25,000 legislative augmentation from the California Environmental License Plate Fund for a study of air emissions from tire-burning facilities to conform to my action taken in Item 3400-001-001. This action reduces the amount payable from this Item to Item 3400-001-001

Item 3540-001-001—For support of Department of Forestry and Fire Protection I

revise this item by reducing.

(b) 300000-Operating Expenses and Equipment from $91,040,000 to $90,413,000, and

(i) Amount payable from the Forest Resources Improvement Fund (Item 3540-001-928) from −$3,045,000 to −$2,418,000,

and by deleting Provisions 4 and 5

I am deleting Provision 4 because I believe this language is unnecessary. There appear to be no obstacles to representatives of State agencies obtaining access to private lands to monitor timber harvesting activities pursuant to the provisions of current law. Nevertheless, questions have been raised regarding the efficiency of current procedures for achieving coordination among the various agencies with responsibilities for natural resources in timber harvesting areas. Therefore, I am directing the Department of Forestry and Fire Protection to work cooperatively with the Department of Fish and Game, the State Water Resources Control Board, and other appropriate State agencies to achieve common goals on matters relating to the approval, management, and enforcement of timber harvesting plans in order to realize the optimum use of the State's timber resources through resource management and environmental considerations.

"4. The Director of Forestry and Fire Protection shall not approve any timber harvest plan submitted to the department pursuant to Section 4581 of the Public Resources Code, unless the person filing the plan agrees to cooperate with other state agencies in their legally authorized activities."

I am also deleting Provision 5 which specifies where an $843,000 unallocated General Fund reduction can be taken within the Department of Forestry and Fire Protection. Because this language is restrictive, the department would be limited to making the reduction in its support services and non-Forest Practice Act resource management programs. This would result in a disproportionate reduction of approximately 4 percent in those programs Such a decrease in the level of services provided by these programs would have a serious impact on the ability of the department, as a whole, to fulfill its statutory obligations. Therefore, due to the restrictive nature of the language, I am deleting Provision 5 to provide the department with the flexibility to administer the $843,000 unallocated General Fund reduction with a minimum impact to programs and services provided.

"5. This item has been reduced by $843,000. In order to implement this reduction, the department may (a) make reductions in all programs, except the administration of the Forest Practice Act and direct fire protection activities (including fire lookouts), (b) increase fees for services to local governments, (c) assess fees on the timber industry to pay for the costs of administering the Forest Practice Act, or (d) impose any combination of options (a), (b), and (c)."

Concurrent with the deletion of this restrictive language, I am directing the department to apply the unallocated reduction to funds appropriated for retirement benefits for planned overtime This issue was discussed during collective bargaining negotiations last year, but ultimately was not included in the memorandum of understanding with the California Department of Forestry Employees' Association As such, retaining these funds would represent budgeting for a contingency expenditure, which I believe would be inappropriate. This issue is more appropriately addressed through the collective bargaining process.

I am also reducing $627,000 from the amount payable from the Forest Resources Improvement Fund to reflect the following: 1) a reduction of $527,000 from a $1,880,000 legislative augmentation for the support of the California Forest Improvement Grant Program, and 2) an elimination of a $100,000 legislative augmentation for urban forestry activities I am reducing these augmentations to correspond to the actions taken in Item 3540-001-928.

Item 3540-001-928—For support of Department of Forestry and Fire Protection I reduce this item from $3,045,000 to $2,418,000 and delete Provision 1

I am reducing a $1,880,000 legislative augmentation in this item by $527,000, leaving $1,353,000 to continue funding grants for the California Forest Improvement Program at its current level. I believe that this funding level is sufficient to support high priority

projects, and, in addition, there is insufficient information to support the need for the remaining portion of this augmentation.

I am also deleting the $100,000 legislative augmentation for the support of urban forestry activities because there is inadequate information to support funding for these projects. This request, along with the list of projects it would support, can be considered for inclusion in the 1988–89 Governor's Budget. This will allow these projects to be reviewed and evaluated along with other proposals on a priority basis

I am deleting Provision 1 to conform with my actions taken on this item

"1 Of the amount appropriated in this item, $100,000 shall be for an urban forestry program The urban forestry program shall consist of only (a) providing technical assistance to local entities and (b) distributing public information, as defined below

To implement the technical assistance portion of the program, the department shall (a) compile information on urban forest management programs, pest management programs, energy conservation programs, developing computerized tree inventories, and air and water quality management programs, (b) notify local entities that technical assistance is available in these areas, and (c) provide assistance to local entities in these areas

To implement the public information portion of the program, the department shall compile and disseminate information on a request basis on (a) innovative treeplanting programs and (b) forestry and environmental education program relevant to city dwellers. The department also shall, in coordination with the Department of Education and the American Forestry Association, design a pilot school program to create a link between urban forestry and statewide resource management"

These actions reduce the amount payable from this item to Item 3540-001-001.

Item 3600-001-001—For support of Department of Fish and Game. I reduce this item from $9,125,000 to $8,875,000

I am deleting the $250,000 budgeted for a loan to Orange County for a study of the impact of modifications to a local marina on the Bolsa Chica Ecological Reserve The full amount of the State loan for this purpose was appropriated during the 1986–87 fiscal year Therefore, no additional State funding is necessary

Item 3600-001-140—For support of Department of Fish and Game I reduce this item from $11,868,000 to $11,679,000.

I am reducing this item by $44,000 by deleting the legislative augmentation to provide for a grant to the University of California to be used for the Fish Slough Ecological Reserve I do not believe that this proposal has a high enough priority to warrant support from the Environmental License Plate Fund The University can provide support to this project, if they consider it a high priority, by redirecting a portion of its currently budgeted research funds.

I am also reducing this item by $145,000 by deleting the legislative augmentation for a grant for the Marin Wildlife Center I am retaining $50,000 proposed in the Governor's Budget for this grant, but I am deleting the $145,000 legislative augmentation because there is pending legislation (AB 2289) which would provide funding for this purpose I believe the priority and purpose of this augmentation can more appropriately be considered through this legislation.

Item 3600-001-200—For support of Department of Fish and Game I reduce this item from $61,794,000 to $61,494,000 by reducing

(b) 300000-Operating Expenses and Equipment from $46,848,000 to $46,109,000,

(d) Amount payable from the General Fund (Item 3600-001-001) from −$9,125,000 to −$8,875,000, and

(f) Amount payable from the California Environmental License Plate Fund (Item 3600-001-140) from −$11,868,000 to −$11,679,000,

and by deleting Provisions 6, 7 and 8.

I am reducing the $250,000 legislative augmentation for matching funds for the State's share of the Klamath and Trinity River projects because a matching fund requirement has not been established Therefore, this augmentation represents funding for a contingency, which I believe is inappropriate If matching funds are later

determined to be necessary, the department will either redirect funds or seek additional support through the deficiency process.

I am deleting Provision 6 to conform with this action.

"6. Of the amount appropriated in this item, $250,000 is available for the state's share of the Klamath River agreement or the Trinity River agreement."

In addition, I am reducing the $50,000 legislative augmentation for a grant to Central Coast Salmon Enhancement, Inc. because the priority of this project has not been established by the advisory committee comprised of members from the salmon fishing industry which provides support for these projects. This grant request, along with the list of projects it would support, should be submitted to the Department of Fish and Game for possible inclusion in the 1988–89 Governor's Budget This will allow the project to be reviewed along with other proposals and will allow funding recommendations to be made by the advisory committee on a priority basis.

I am deleting Provision 8 to conform to this action.

"8. Of the amount appropriated in this item, $50,000 shall be for a grant to the Central Coast Salmon Enhancement project."

I am also deleting Provision 7 which requires that $401,000 of the amount appropriated in Item 3600-001-200 be from fees assessed on wildlife areas. The various revenues deposited into the nondedicated portion of the Fish and Game Preservation Fund are combined without being distinguished by source Each revenue loses its individual identity once it enters the nondedicated portion of the fund. Therefore, the requirements of this language cannot be implemented unless legislation is enacted creating a new account within the Fish and Game Preservation Fund. Under current law, expenditures from the nondedicated portion of the Fish and Game Preservation Fund cannot be linked with particular sources of revenue to the fund.

"7. Of the funds appropriated in this item, $401,000 is from fees assessed on wildlife areas and may only be used for the operation of wildlife areas."

I am reducing $250,000 from the amount payable from the General Fund to correspond to the action I have taken on Item 3600-001-001

I am also reducing $189,000 from the amount payable from the California Environmental License Plate Fund to correspond to the action I have taken on Item 3600-001-140.

Item 3600-301-200—For capital outlay, Department of Fish and Game I delete Provision 1

I am deleting Provision 1 because this language is unnecessary Existing statutory authority stipulates that revenues generated from the Income Tax Check-Off Account be utilized for purposes as specified in category (3) The department is in compliance with this mandate.

"1. The amount in category (3) shall be funded exclusively from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement (Income Tax Check-Off) Dedicated Account in the Fish and Game Preservation Fund."

Item 3640-001-140—For support of Wildlife Conservation Board I reduce this item from $700,000 to $250,000 by reducing.

(1) 300000-Operating Expenses and Equipment from $700,000 to $250,000

I am retaining $250,000 of this legislative augmentation to provide funding for the Suisun Marsh Conservation District to conduct activities authorized by Chapter 1571, Statutes of 1982 This chapter authorizes payments to landowners within the district for the enhancement and management of wetlands on their property. However, there is insufficient information to support the need for the remaining portion of the augmentation Therefore, I am reducing this item by $450,000, and recommending that a project proposal be submitted during the 1988–89 budget development process for consideration on a priority basis

Item 3640-301-447—For capital outlay, Wildlife Conservation Board I delete Provision 3.

I am deleting Provision 3 because this language is unnecessary, and may restrict the Board's ability to manage the area The Board has expressed its support for the preservation of the specified wetlands and is currently working toward that objective.

"3. It is the intent of the Legislature that the acquisition of Mapes Ranch, Faith

Ranch, Dos Rios Ranch, and adjoining habitat and recreational lands (which are located along the San Joaquin and Tuolumne Rivers in Stanislaus County), or the acquisition of rights restricting development and hunting on these properties, for the preservation of riparian wetlands and related purposes is a high priority of the Legislature. The Wildlife Conservation Board shall assist with its resources to ensure the acquisition of these properties, or the acquisition of rights restricting development and hunting on these properties, with state and nonstate funds in a timely manner."

Item 3720-001-001—For support of California Coastal Commission. I reduce this item from $6,272,000 to $5,953,000 by reducing

(a) 10-Coastal Management Program from $8,447,000 to $8,128,000

I am reducing $319,000 and 8 personnel years by eliminating the Santa Barbara district office and combining the Santa Cruz district office with the San Francisco 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, particularly in San Francisco and Los Angeles, are available to administer any workload generated in these two areas

Item 3790-101-036—For local assistance, Department of Parks and Recreation I reduce this item from $14,803,000 to $1,584,000 by reducing:

(1) 50.20.036-East Bay Regional Park District from $2,100,000 to $100,000

by deleting

(1) (a) 50 20.036.066 Alameda County-East Bay Regional Park District-Wool Property, ($2,000,000)

by reducing

(19) 50 20.036.029-City of Oakland, Peralta Hacienda Historical Park (Phase II) from $740,000 to $50,000,

and by deleting

(2) 50.20.036.006-Fresno City College Admin. Bldg. ($200,000)

(2 3) 50.20 036.007-Riverside County—Jensen-Alvarado Ranch ($200,000)

(2.6) 50 20.036.008-Riverside County-Lake Elsinore Park and Recreation District ($65,000)

(2.9) 50 20.036 009-City of Colton-Colton Library ($235,000)

(7) 50.20 036.013-City of San Diego, Belmont Park-Roller Coaster ($300,000)

(8) 50.20 036.015-City of Los Angeles, Recreational Facilities and Swimming Pool Construction ($200,000)

(9) 50.20.036 017-City of Sacramento, Multicultural Center ($1,000,000)

(10) 25.30 036 044-Sonoma County, Healdsburg-Carnegie Library ($124,000)

(11) 25 30.036.045-Los Angeles County, Van Nuys Post Office ($200,000)

(12) 50 20.036 051-Selma-Pioneer Park ($200,000)

(13) 50.20 036 053-Balboa Park, Restoration of Administration Building ($200,000)

(14) 50.20 036.019-Santa Clara County, Los Gatos Creek Trail ($1,000,000)

(15) 50 20.036.021-City of Oakland, Aquatic Biology Hall/Oakland Museum ($250,000)

(16) 50.20 036 023-County of Los Angeles, Highland-Camrose Bungalows/Hollywood Bowl ($1,000,000)

(17) 50.20 036.025-City of Kingsburg, Kingburg Pool ($400,000)

(18) 50.20.036.027-City of Dinuba, Rose Ann Vuich Park Bandstand ($150,000)

(20) 50 20.036 031-City of Piedmont, Linda Playfield Project ($102,000)

(21) 50 20.036.033-City of San Francisco, California Academy of Science ($2,000,000)

(22) 50.20 036.035-Sacramento County—City of Sacramento Softball Complex ($250,000)

(23) 50.20.036.037-Ventura County—Santa Paula Community Center ($500,000)

(27) 50 20.036.045-City of Los Angeles—Los Angeles City Hall ($300,000)

(28) 50.20.036.047-City of Los Angeles—Union Church ($150,000)

(29) 50.20.036.049-City of Los Angeles—Eagle Rock Library ($238,000)

(31) 50 20.036.057-San Diego County, Spring Valley Revitalization Plan Project ($1,225,000)

(33) 50.20.036 061-City of Desert Hot Springs, Baseball Field Lighting ($10,000)

(34) 50 20 036.063-City of Los Angeles, Duane and Waterloo Streets Ballpark ($30,000)

I am reducing this item by $2,690,000 to reflect the deletion of an augmentation for the acquisition of the East Bay Regional Park District-Wool Property ($2,000,000) and the development of the City of Oakland, Peralta Hacienda Historical Park-(Phase II) ($690,000). I am retaining $100,000 and $50,000 from each of the respective projects for capital outlay purposes related only to the operation of the Knowland Zoo in the City of Oakland.

I am deleting $10,529,000 in legislative augmentations for 26 local assistance projects because I am concerned with the volume and magnitude of projects proposed. With the implementation of this 1987–88 Budget, the final appropriations of the three year program from the 1984 Parklands Fund have been made While many local entities were successful in receiving funds from this 1984 Bond Act, many were not due to the competitive nature of the program. Other local entities are still seeking additional State funds for local projects While many of these legislative augmentations may be for meritorious projects, they are not of significant statewide priority to justify the use of the limited tidelands oil revenues nor do they appear to be of a critical or urgent nature requiring immediate funding. Therefore, I recommend the local entities re-evaluate priority usage of their 1986 Bond fund allocation with consideration of funding these projects which I have deleted.

Item 3790-101-716—For local assistance, Department of Parks and Recreation I reduce this item from $80,037,000 to $79,723,000 by deleting

(4) 59 29 716.871-Santa Cruz County—Entitlement grants ($314,000)

I am deleting the legislative augmentation of $314,000 for a local assistance grant to Santa Cruz County—Entitlement grants because the application for 1987–88 funding was submitted too late for consideration. This request should be submitted for consideration during the normal budget process

Item 3790-101-742—For local assistance, Department of Parks and Recreation I reduce this item from $481,000 to $412,000 by deleting·

(6) 50.10.742.009-Sacramento County, Southgate Recreation Park District—Bowling Green Park ($69,000).

I am deleting the legislative augmentation of $69,000 for a local assistance grant for the Southgate Recreation Park District—Bowling Green Park because this project could be funded from Sacramento County's allocation of 1986 Park Bond funds if it is found to be a high priority project of the County

Item 3790-301-036—For capital outlay, Department of Parks and Recreation I reduce this item from $1,790,000 to $790,000 by deleting:

(2) 90 95.100 870-Little Frank's Tract—Repair ($1,000,000).

I am deleting the legislative augmentation of $1,000,000 for the repairs to the levees at Little Frank's Tract because additional funding for this project may be premature at this time. As I stated in my veto action on a similar augmentation in the 1986–87 Budget Bill, I have previously approved two appropriations totaling $1 million from 1984 Bond funds for this project Until the State Park and Recreation Commission has approved the General Plan for Frank's Tract SRA, additional funding for repairs may not be appropriate or consistent with the General Plan

Item 3790-301-392—For capital outlay, Department of Parks and Recreation. I reduce this item from $4,094,000 to $3,983,000 by deleting.

(5) 90.9H.100.870-Colonel Allensworth SHP, Railroad Passenger Platform ($20,000), and

(6) 90.9H.100.871-Colonel Allensworth SHP, Hotel Renovation ($91,000)

I am deleting the legislative augmentations of $20,000 and $91,000 for the railroad passenger platform and hotel renovation, respectively, at Colonel Allensworth State Historic Park These projects should be submitted for consideration during the normal budget process.

Item 3790-301-722—For capital outlay, Department of Parks and Recreation I reduce this item from $33,997,000 to $32,297,000 by deleting.

(7.5) 90.5Y.100-Candlestick Park SRA-Complete Project ($1,700,000)

I am deleting the legislative augmentation of $1,700,000 for Candlestick

Park-Complete Project because funding to accelerate the completion of the project has not been justified The schedule for this project calls for this phase to be funded in 1988–89. This should be resubmitted at that time for consideration in the normal budget process.

Item 3810-101-140—For local assistance, Santa Monica Mountains Conservancy I delete this item

I am deleting the $250,000 legislative augmentation from the California Environmental License Plate Fund for six local assistance grants to various local entities for environmental education projects.

The limited resources available in this fund require that all proposed expenditures be prioritized in order that the highest priority projects will be funded. I am retaining over $21 million in projects statewide from the California Environmental License Plate Fund to address a variety of environmental concerns, including environmental education projects.

Item 3810-301-036—For capital outlay, Santa Monica Mountains Conservancy I delete this item.

I am deleting the legislative augmentation of $1,750,000 for the acquisition of Runyon Canyon Urban Wilderness This project should be submitted for review and evaluation during the normal budget process

Item 3860-001-001—For support of Department of Water Resources I reduce this item from $28,989,000 to $28,593,000 by reducing:

(c) 30-Public Safety and Prevention of Damage from $17,442,000 to $17,046,000, and by deleting Provisions 2 and 4.

I am deleting $396,000 and 0.8 personnel years for the support of two sediment removal projects because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes. Specifically, I am deleting $196,000 and 0.3 personnel years for support of the Lindo Channel sediment removal project. Further, I am eliminating $200,000 and 0.5 personnel years for support of the Cherokee Canal sediment removal project. I am willing to support legislation to fund the Lindo Channel and the Cherokee Canal sediment removal projects from the Special Account for Capital Outlay.

I am also deleting Provision 2 to conform to this action

"2. The $200,000 appropriated in this item for sediment removal at Cherokee Canal shall be spent only in accordance with the recommendations of the Department of Fish and Game concerning protection of fish and wildlife "

I am also deleting Provision 4 because the California Environmental Quality Act has established adequate safeguards as a part of the environmental impact report review process which address the concerns specified in this provision. This action is consistent with action taken last year by deleting similar language for this project

"4. (a) Prior to entering into the assurance agreement for the Chico Landing to Red Bluff Project, the Reclamation Board shall enter into an agreement with the Department of Fish and Game that will provide for full mitigation of the impacts of the project on riparian habitat, wildlife, and fisheries. This agreement shall, at a minimum, provide for the approval of the Department of Fish and Game of the mitigation plan's design, implementation, and effectiveness.

(b) Prior to certifying lands and rights-of-way for this project and within 30 days after the final Environmental Impact Report has been adopted for the Chico Landing to Red Bluff Project, the Reclamation Board shall report to the legislative fiscal committees and the Joint Legislative Budget Committee on (1) the agreement between the Reclamation Board and the Department of Fish and Game and (2) a financing and implementation plan for the mitigation measures required by the agreement

(c) Any assurance agreement entered into between the Secretary of the Army and the Reclamation Board for the Chico Landing to Red Bluff Project shall provide for full mitigation of the impacts of the project on riparian habitat, wildlife, and fisheries.

(d) The assurance agreement shall also provide for implementation and

funding of the measures specified in the agreement between the Department of Fish and Game and the Reclamation Board."

Item 3860-301-036—For capital outlay, Department of Water Resources. I delete Provision 8.

I am deleting Provision 8 because I believe the California Environmental Quality Act has established adequate safeguards to be met prior to construction of the type foreseen by this provision

"8. (a) Prior to certifying lands and rights-of-way to the United States Corps of Engineers for the San Joaquin River Channel Project, the Reclamation Board shall submit a report to the legislative fiscal committees and the Joint Legislative Budget Committee by November 1, 1987, on the financing plan for mitigation and enhancement or their progress to date in preparing the plan. The plan shall recommend the appropriate federal, state, and local share of all past and future costs and an implementation schedule for the plan

The Department of Fish and Game shall review the financing plan or progress report and report to the Legislature by December 1, 1987, on the adequacy of the plan or report.

(b) Any assurance agreement signed by the Reclamation Board and the United States Army Corps of Engineers for snagging and clearing work on the San Joaquin River shall include a plan for financing all of the required mitigation, including the objectives of net long-term enhancement, as provided in Chapter 1530, Statutes of 1984. This financing plan shall establish whether federal, state, and/or local funds and resources shall be used to pay for each cost associated with providing the required mitigation, as set forth above, the amount that each source will be responsible for providing, and a schedule establishing when these funds and resources are to be made available.

The assurance agreement shall also provide that the required mitigation work, where possible, shall proceed concurrently with the project implementation The Director of the Department of Water Resources shall certify the adequacy of this financing plan The certified financing plan shall be transmitted to the Legislature at least 30 days prior to any assurance agreement being signed.

The Department of Fish and Game shall monitor and report annually to the Legislature on the implementation and effectiveness of the mitigation plan."

Item 3940-001-001—For support of the State Water Resources Control Board. I am revising this item by reducing:

(a) 10-Water Quality from $54,374,000 to $54,324,000,

and by deleting.

(fx) Amount payable from the California Environmental License Plate Fund (Item 3940-001-140) (—$50,000),

and deleting Provision 2

I am deleting the legislative augmentation of $50,000 payable from the California Environmental License Plate Fund for a study of ocean pollution. The State Water Resources Control Board indicates that Federal funds are available for this study The study will be funded if it meets criteria for implementable recommendations which the Board imposes on studies of this sort, regardless of funding source. Therefore, these additional funds are not warranted I am deleting this subitem to correspond to Item 3940-001-140.

I am also deleting Provision 2. The State Water Resources Control Board has indicated that it can develop a workplan within its baseline resources which would identify the problems associated with nitrate contamination in drinking water, identify the resources necessary to evaluate the magnitude of the problem, and develop and recommend strategies for protecting drinking water from nitrate contamination. It would be premature to require a study prior to the completion of such a workplan. Therefore, I am directing the Board to conduct a workplan within its current resources that will determine the scope of any future study.

"2. Of the funds appropriated in this item, $250,000 shall be available to conduct a study of the causes of nitrate contamination of groundwater and provide recommendations on how to prevent such pollution."

Item 3940-001-140—For support of State Water Resources Control Board, for transfer to Item 3940-001-001. I delete this item and accompanying Provision 1

I am deleting this item to conform to my action regarding a study of ocean pollution in Item 3940-001-001. This action eliminates the amount payable from this Item to Item 3940-001-001.

Item 4120-101-001—For local assistance, Emergency Medical Services Authority, Program 10, grants to local agencies. I reduce this item from $1,726,000 to $1,717,000.

I am deleting the $9,000 legislative augmentation for a discretionary cost-of-living adjustment for this program because the increase is not warranted The State subvention for local emergency medical service agencies proposed for 1987–88 represents a 93 percent increase over the 1983–84 level of support and should be sufficient to provide essential services.

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 $3,380,000 to $2,880,000,
and delete Provision 2

I am deleting the $500,000 legislative augmentation for the Family Physician Training Program to establish additional residency programs to meet the health care needs of individuals in underserved areas I prefer the approach taken in SB 478 which provides $1,200,000 for grants and administration in 1987–88 from the Health Facility Construction Loan Fund. Funding for the program in future years is proposed to be raised from private sources by the Minority Health Professions Education Foundation created by the bill

I am deleting Provision 2 to conform with this action.

"2. The Office of Statewide Health Planning and Development shall spend $500,000 to expand and/or increase family physician residency capitation programs established under the Song-Brown program The allocation of the funds shall be approved by the Health Manpower Policy Commission "

Item 4170-101-001—For local assistance, Department of Aging. I reduce this item from $38,751,000 to $30,319,000 by reducing·

(a) 10-Nutrition from $62,818,640 to $62,430,000

(1) 10.10-Congregate nutrition from $46,291,680 to $46,109,000

(2) 10.20-Home delivered nutrition from $16,526,960 to $16,321,000

(c) 30-Supportive Services and Centers (for match) from $26,849,080 to $26,771,000
and

(d) 40-Special Projects from $34,255,280 to $26,290,000

I am deleting the $1,002,000 legislative augmentation to provide a 3 percent discretionary cost-of-living adjustment for the Nutrition ($388,640), Supportive Services and Centers ($78,080) and Special Projects ($535,280) programs I believe the critical growth needs in this area have been addressed by providing increased funding for Alzheimer's Day Care Resource Centers ($500,000) and the Long Term Care Ombudsman program ($500,000)

I am also reducing $7,430,000 of the $8,625,280 legislative augmentations for Special Projects as follows:

I am deleting the $750,000 legislative augmentation, which provides for expansion of Adult Day Health Care (ADHC) facilities, because I have signed legislation over the last four years which has provided for expansion in excess of $4 million in the ADHC program. In reviewing the current budget, I believe that sufficient resources are available to meet the current plans to expand from the 57 existing facilities to 70 ADHC facilities by June 1988.

Further, I am reducing $80,000 of the $180,000 legislative augmentation provided for the existing Alzheimer's Day Care Resource Centers (ADCRC). The remaining $100,000 will increase the allocation to the eight existing centers from $37,500 to $50,000.

I am also deleting $6,600,000 of the $7,000,000 legislative augmentation intended to expand the number of Centers ($5,000,000) and provide related education and

training activities ($2,000,000). This will leave $400,000 to establish eight additional ADCRC's which will double the number of available facilities. These eight new facilities will provide services to an additional 400 clients statewide. The funding I have retained represents a 99 percent increase for Alzheimer's Day Care Resource Centers over the 1986–87 level of support.

Item 4200-101-001—For local assistance, Department of Alcohol and Drug Programs. I delete Provision 5.

I am deleting Provision 5 because it places an emphasis on prevention efforts by alcohol and drug programs directed primarily at youth groups. As such, this language ignores the scope of prevention activities currently within the existing alcohol and drug prevention efforts in California which are directed at all population groups. This conforms to the action I have taken in Item 4200-101-890.

"5 In allocating funds to counties for local alcohol and drug programs, the Director of the Department of Alcohol and Drug Programs shall ensure that counties are funding an adequate prevention effort. An adequate prevention effort is one which: (1) helps young people to develop the positive values, knowledge, and skills to lead productive, drug-free lives; (2) presents accurate information on the root causes of substance abuse; (3) explores ways in which the use of alcohol and drugs by young people coincide with low self-image and self-esteem; (4) explores ways in which substance abuse can result in other adverse behavior which has long-term consequences for individuals' families and society as a whole, such as low academic performance, truancy and dropping out of school, teenage pregnancy, and delinquency; and (5) includes familial relationships and family dynamics within prevention strategies, as appropriate."

Item 4200-101-890—For local assistance, Department of Alcohol and Drug Programs I delete Provisions 6, 9 and 10.

I am deleting Provision 6 because the Department of Alcohol and Drug Programs has already formalized a memorandum of understanding regarding departmental responsibilities relating to AIDS issues with the Department of Health Services. Furthermore, the requirement that counties provide information to clients is currently being addressed in legislation, SB 1323. The identified cost of this issue has been estimated at $1.1 million. This requirement may result in less money being available for expenditure by counties for their local needs and priorities.

"6. The Departments of Health Services and Alcohol and Drug Programs shall submit to the Legislature, on or before July 15, 1987, a memorandum of understanding which details each department's responsibility in addressing the AIDS epidemic in substance abusers

The Departments of Health Services and Alcohol and Drug Programs shall submit to the Legislature, on or before August 1, 1987, an assessment of services needed to deal with the AIDS epidemic in substance abusers.

As a condition of using any funds received from the federal Anti-Drug Abuse Act, rollover funds from prior year federal allocations, or new Alcohol, Drug Abuse and Mental Health block grant funds, a county shall ensure that clients of county alcohol and substance abuse programs receive information on HTLV-III infection."

I am deleting Provision 9 because it places an emphasis on prevention efforts by alcohol and drug programs directed primarily at youth groups. As such, this language ignores the scope of prevention activities currently within the existing alcohol and drug prevention efforts in California which are directed at all population groups This conforms to the action I have taken in Item 4200-101-001.

"9. In allocating funds to the counties for local alcohol and drug programs, the director of the Department of Alcohol and Drug Programs shall ensure that counties are funding an adequate prevention effort. An adequate prevention effort is one which: (1) helps young people to develop the positive values, knowledge, and skills to lead productive, drug-free lives; (2) presents accurate information on the root causes of substance abuse, (3) explores ways in which the use of alcohol and drugs by young people coincides with low self-image and self-esteem; (4) explores ways in which substance abuse can

result in other adverse behavior which has long-term consequences for individuals' families and society as a whole, such as low academic performance, truancy, and dropping out of school, teenage pregnancy, and delinquency; and (5) includes familial relationships and family dynamics within prevention strategies, as appropriate."

I am deleting Provision 10 because it does not provide sufficient flexibility to measure the full range of process and outcome evaluation criteria which the department may wish to consider in its evaluation of programs funded with Federal Anti-Drug Act Funds

"10. In conducting its evaluation of programs funded with federal Anti-Drug Abuse Act funds, the department shall include in its evaluation criteria an assessment of whether counties have used the funds to support an adequate prevention effort. The adequacy of the prevention effort shall be assessed using the criteria detailed above."

Item 4260-001-001—For support of Department of Health Services. I reduce this item from $135,175,100 to $132,146,100 by reducing.

(a) 100000-Personal Services from $156,064,650 to $154,235,636

(b) 300000-Operating expenses and equipment from $120,977,250 to $118,956,864

(d) Reimbursements from −$10,966,000 to −$8,850,600

(o) Amount Payable from Federal Trust Fund (Item 4260-001-890) from −$88,941,800 to −$87,941,800, and by adding

(t) Unallocated Reduction −$2,295,000, and

by revising Provision 5 and deleting Provisions 8, 9, 11, and 12.

I am reducing $1,295,000 of the $2,135,000 legislative augmentation for the Licensing and Certification Division This augmentation was provided to reflect a change in General Fund and federal fund billing practices. The Department has recently estimated that federal funding ratios should be 41.6 percent for Division activities instead of the 53 8 percent currently reflected in the budget. While an accurate reflection of the change in the federal fund share would require a reduction of $3,135,000 in federal funds with a corresponding increase to the General Fund, the Legislature provided an increase of only $2,135,000 based on the Department's ability to absorb $1,000,000 in the existing base budget. I believe that the Department is capable of absorbing $2,295,000 of the increased cost to the General Fund during 1987–88 as it has been absorbing similar funding imbalances for several years. It is appropriate to retain an augmentation of $840,000 which corrects the funding ratio for the Licensing and Certification Division staffing standards augmentation which I proposed. With the $840,000 augmentation, the Licensing and Certification Division's General Fund budget is increased by 8 percent when compared to 1986–87.

I am also reducing Item 4260-001-890 by $1,000,000 to conform with the above action. This reduction is in addition to the federal fund reduction of $2,135,000 proposed by the Legislature. This additional decrease is necessary to properly reflect the change in the ratio of federal funds to General Fund

To effect these two actions, I am making an unallocated reduction of $2,295,000 in this item

I am deleting the $232,000 (General Fund) and 3.8 personnel year legislative augmentation for the Hazard Evaluation System and Information Service (HESIS). The Legislature added these funds and language to direct the HESIS program to assess 100 chemicals and their adverse reproductive effects My budget already contains funds for similar reproductive effects' studies as part of the implementation of Proposition 65 The Office of Environmental Health Hazard Assessment will perform these studies Therefore, this augmentation is duplicative of funding contained elsewhere in this budget

I am deleting Provision 9 to conform with this action

"9. Of the amount appropriated in this item, $232,000 shall be available for a study of adverse reproductive effects of chemicals only if AB 2433 of the 1987–88 Regular Session of the Legislature is enacted

The Department of Health Services shall direct the Hazards Evaluation System and Information Service (HESIS) to assess 100 chemicals, according to criteria of volume and/or concentration, identified in California's

hazardous waste stream in accordance to data collected by the department's Toxics Reduction Analysis Project HESIS shall evaluate 100 waste stream chemicals identified by the Department of Health Services' Toxics Reduction Analysis Project to accomplish each of the following tasks no later than December 31, 1989. (a) to list those tests which are necessary to assess reproductive effects; (b) to identify what tests and information are available from all literature sources; (c) to determine whether each chemical contains valid, complete, and adequate studies to assess reproductive effects, and (d) to determine whether available studies indicate adverse reproductive effects."

I am reducing $950,000 of the $1,000,000 (General Fund) legislative augmentation for a Spinal Cord Injury Task Force I believe that funding for the support of research is premature. However, in order to explore the need for additional research in this area, I will sign SB 1026 of the 1987–88 Regular Session of the Legislature. SB 1026 creates the Spinal Cord Injury Task Force

I am revising Provision 12 to conform with this action.

"12 Of the amount appropriated in this item, ~~$1,000,000~~ *$50,000* shall be available for the ~~promotion of spinal cord injury research, which funds shall be distributed only upon the recommendation and direction of the~~ Spinal Cord Injury Task Force ~~, regarding the distribution of spinal cord research funds to designated and defined spinal cord research projects, and~~ only if SB 1026 of the 1987–88 Regular Session of the Legislature is enacted "

I am deleting the $552,000 (General Fund) legislative augmentation for the Hazard Evaluation System and Information Service (HESIS) Elsewhere in this budget I have deleted funding for the Cal-OSHA program in order to return this activity to federal jurisdiction I am also reducing 4 4 personnel years from the HESIS program as a result of this action. In the absence of Cal-OSHA, the workload for the Cal-OSHA-related activity in the HESIS program no longer exists.

Therefore, there is no justification for the proposed General Fund augmentation. Additionally, I am reducing scheduled reimbursements by $552,000 and 4.4 personnel years This action conforms to the action I have taken to return the occupational safety and health responsibility to the federal government in Item 8350-001-001

I am deleting Provision 11 to conform with this action.

"11 Notwithstanding any other provision of law, of the amount appropriated in this item, $552,000 shall be available to (a) supplant any federal funds budgeted in Item 8350-001-890 for support of Cal-OSHA activities in the Department of Health Services performed pursuant to the interagency agreements executed in satisfaction of Section 147 2 of the Labor Code, or (b) replace federal fund support for HESIS in the event that such support is not forthcoming "

I am reducing the scheduled reimbursements in this item by $1,563,400 and 27 3 personnel years to reflect the reduction of reimbursements to the Laboratories Division resulting from the return of the Occupational Safety and Health Administration responsibilities to the federal government. This action conforms to the action I have taken in Item 8350-001-001.

I am revising Provision 5 because this provision duplicates Provision 7 of Item 5180-001-001 and Provision 8 of Item 5180-141-001 for the Department of Social Services. The inclusion of this language in this item is redundant. I have retained appropriate portions of the language in the Department of Social Services' budget which also apply to the Department of Health Services I am supporting the effort to develop a work measurement based methodology for county eligibility cost control.

In addition, the adjustment to the fee increase pursuant to Health and Safety Code Section 115 is based on the increase of the budget year General Fund appropriation for the Licensing and Certification Division compared to the current year General Fund budget for the Division Subdivision (7), as adopted by the Legislature, includes the Legislature's augmentation of $2,135,000 for the Division I have reduced the Division's augmentation to $840,000 Therefore, to reflect the corrected fee increase, I am reducing the Legislature's proposed fee increase from 31.9 percent to 19 5 percent Additionally, I am reducing a portion of the fee increase subject to Health and Safety Code Sections 113 and 114 The Legislature proposed an additional 4.3

percent fee increase due to an increase in operating expenses and equipment expenditures Due to my overall veto action affecting the Department's General Fund appropriation, which reduces these expenditures below the Legislature's proposed level of funding, I am reducing the related fee increase for operating expenses and equipment to 3.4 percent for Sections 113 and 114.

"5. The Department of Social Services (DSS) and Department of Health Services (DHS) in conjunction with the County Welfare Directors' Association (CWDA) shall develop a timetable for conducting county work measurement studies of the intake and continuing eligibility work activities in the Aid to Families with Dependent Children (AFDC), Nonassistance Food Stamps, and Medi/Cal programs. The intent of the Legislature is that work measurement studies be conducted in time for consideration of the results during the deliberations for the budget for fiscal year 1989/90. The timetable shall set out the steps necessary to do the following:

(1) Group the 40 largest counties into no more than three groups. Counties may be grouped before or after work measurement studies are conducted and a survey may be used to collect data for grouping counties as the departments and CWDA determine necessary;

(2) Identify representative counties for work measurement;

(3) Develop the methodology for work measurement including the projected cost of conducting the studies;

(4) Complete work measurement studies.

The DSS and DHS in conjunction with CWDA shall report to the Joint Legislative Budget of Committee on the timetable developed by February 1, 1988.

By March 1, 1989, the DSS and DHS shall submit a joint report to the Legislature regarding the findings of work measurement studies on a county/specific basis. The report shall include the following:

(1) An analysis of the fiscal impact on the federal, state, and county governments should the budget process for eligibility worker caseloads be based upon the findings of the work measurement studies;

(2) A description of the methodology that would be used to set county targets utilizing the results of the studies;

(3) An estimate of the cost of fully implementing the findings of the studies taking into account: salary expenditures (direct salary, fringe benefits, and overhead); actual total caseload size or projections; eligibility supervisors; and appropriate isolated supportive eligibility functions

(4) Other options for implementing the study findings and the fiscal impacts related to each option

(5) The alternatives that could be used to address the unique special circumstances which may exist in some counties that would be adversely affected by the transferability of the work measurement data

It is the intent of the Legislature that county welfare departments which have unique circumstances which would adversely affect the transferability of work measurement data shall have those unique circumstances considered and alternatives shall be developed by the departments to address those unique circumstances

The DSS and DHS shall consult with the County Welfare Directors Association (CWDA) and the Service Employees International Union (SEIU) on the design, findings, and implementation recommendations of the study. It is the intent of the Legislature that, for fiscal year 1988/89, the DSS shall utilize the lowest two of the most recent three years for which there is data to set the targets for the AFDC and Food Stamp programs. The department shall implement no more than 25% of the target change based upon the new methodology in fiscal year 1988/89 from the level budgeted in fiscal year 1987/88. The targets for the Medi/Cal program shall not be changed in the 1988/89 fiscal year from the level budgeted in the 1987/88 fiscal year.

Of the amounts appropriated under Item 4260/001/001 for support of the DHS, $100,000 shall be appropriated for department costs associated with the work measurement study of eligibility casework activities in the Medi/Cal

~~program.~~

~~The DSS and the DHS shall make those administrative changes necessary to permit fund transfers effective January 1, 1988, between the local assistance budget items for county eligibility work activities (Item 5180/141/001 and Item 4260/101/001) in the 18 counties in California with the smallest caseloads.~~

(7) Effective July 1, 1987, the annual fee for a general acute care hospital, acute psychiatric hospital, special hospital, general acute care rehabilitation hospital, psychiatric health facility, and chemical dependency recovery hospital shall be $16.99 per bed Effective July 1, 1987, the annual fee for a skilled nursing facility, intermediate care facility, or intermediate care facility for the developmentally disabled is $79.01 per bed.

Department of Health Services fees subject to the annual fee adjustment pursuant to subdivision (a) of Section 115 of the Health and Safety Code, added by Chapter 327 of the Statutes of 1982, shall be increased by ~~31.9~~ *19.5* percent effective January 1, 1988.

Departmental fees subject to the annual fee adjustment pursuant to subdivision (a) of Section 116 of the Health and Safety Code, as added by Chapter 327 of the Statutes of 1982, shall be increased by 5 9 percent effective January 1, 1988.

Departmental fees subject to the annual fee increase provisions of subdivision (a) of Section 113 and subdivision (a) of Section 114 of the Health and Safety Code shall be increased ~~4.3~~ *3 4* percent plus 0.56 percent for each 1 percent increase in employee compensation granted in the 1987 Budget Act

The Director of Finance shall propose language to implement fee adjustments in the 1988 Budget Bill "

I am deleting Provision 8 because this provision would have required the Department to assign a staff member to oversee all budget and fiscal matters and to monitor all cancer contracts. This language creates redundant responsibilities and costs as the activity is already part of the normal on-going work of the Department's Budget Office and existing program personnel.

"8 The Department of Health Services shall ensure that a staff member from an appropriate civil service classification is assigned to oversee all budget and fiscal matters relating to the initiation, implementation, and ongoing management of the statewide cancer registry program. The duties of this staff shall include, but not be limited to, (a) reviewing budget documents prepared by the contractor or subcontractors for consistency with state budgeting practices and (b) defining, in conjunction with program and contractor staff, appropriate interim target dates for implementation of each of the regional appropriate interim target dates for implementation of each of the regional registries, and periodic review of progress in complying with these dates."

Item 4260-001-890—For support of Department of Health Services. I reduce this item from $88,941,800 to $87,941,800.

I am reducing $1,000,000 to reflect the full amount of the revised estimate of the federal share of the support of the Licensing and Certification Division. This conforms to action I have taken in Item 4260-001-001

Item 4260-011-014—For support of Department of Health Services (Toxic Substances Control Division). I reduce this item from $27,654,000 to $27,604,000 by reducing.

(b) 300000—Operating Expenses and Equipment from $34,229,000 to $34,179,000, and deleting Provision 9.

I am deleting the legislative augmentation of $50,000 from the Hazardous Waste Control Account to increase the contract with the University of California, Davis, for data analysis of hazardous waste generator reports. The Division's baseline budget already contains sufficient resources to fund this contract at the higher level if the Division believes this is the appropriate level Therefore, additional funds are not warranted.

I am also deleting Provision 9 because the Toxics Division already has the ability to

compute and adopt the fees by emergency regulations as often as deemed necessary. Therefore, this language is not necessary

"9. The department shall, on or before January 15, 1988, review the fee rates established pursuant to Sections 25174, 25174 6, and 25205.5 of the Health and Safety Code to determine if adjustments shall be necessary to the rates to ensure funding at the level appropriated in the Budget Act of 1987 and in subsequent legislation. The department shall pursue any necessary adjustment of fees through the process set forth in Section 25174.9 of the Health and Safety Code."

Item 4260-101-001—For local assistance, Department of Health Services I reduce this item from $2,770,422,000 to $2,683,094,000 by reducing:

(a) 50.11-Benefits (Medical Care and Services) from $5,383,611,000 to $5,229,029,000 and

(c) Amount payable from the Federal Trust Fund (Item 4260-101-890) from −$2,812,254,000 to −$2,745,000,000,

and by deleting Provisions 16, 17, 18, 20, 21 and 22 and by revising Provision 30

I am reducing this item by $142,000 and taking a corresponding action in Item 4260-101-890 by reducing $142,000 in federal funds to reflect deletion of the augmentation to provide a $150 rate differential to providers of comprehensive perinatal services It has not been determined whether such a rate increase is necessary to provide adequate access or whether the comprehensive perinatal program can be justified on a cost-effectiveness basis at the higher cost levels proposed. A need for this rate increase cannot be demonstrated at this time

I am deleting Provision 18 to conform with this action

"18. The State Department of Health Services shall increase by $150 the rate for prenatal care provided by comprehensive perinatal care providers if the providers have initiated care for the pregnant woman during the first trimester of pregnancy and have provided at least nine prenatal visits."

I am reducing this item by $36,014,000 and taking a corresponding action in Item 4260-101-890 by reducing $36,020,000 in federal funds to reflect reduction of the legislative augmentation which eliminated the savings projected for the Program Restructuring proposal. This action reflects the current estimate of net savings I continue to support Program Restructuring and am directing the Department of Health Services to expeditiously proceed with implementation of Patterns of Treatment and other elements which do not require legislation. I remain firm in my commitment to achieving the changes in law necessary to implement the remaining elements in my Program Restructuring proposal I have adopted the policy of deferring all program enhancements until legislation and detailed budget proposals for implementing the remaining elements of the Program Restructuring proposal are adopted by the Legislature.

I am reducing this item by $31,172,000 and taking a corresponding action in Item 4260-101-890 by reducing $31,092,000 in federal funds to the legislative augmentation which eliminated the savings due to the ten percent reimbursement rate reductions implemented pursuant to Welfare and Institutions Code Section 14120. I continue to believe in the appropriateness and necessity of the provider rate reductions I proposed in order to respond to the substantial deficiency in the Medi-Cal budget and have advised the Department of Health Services to actively defend the proposed reductions.

I am deleting $20,000,000 in this item which I proposed in the May Revision to fund the settlement of outstanding audit issues reached between the Department of Health Services and the County of Los Angeles In light of the needs of priority areas such as school district and community college apportionments, corrections, AIDS and toxic wastes, I am deferring payment of the settlement at this time

I am deleting Provision 16 because there appears to be a stronger correlation between statewide unemployment rates and nursing home employee turnover rates than between wages and nursing home employee turnover rates Therefore, I believe that wage pass through requirements increase costs without significantly relieving high employee turnover rate problems.

"16 (a) Long-term care facilities with labor costs below medians established for

each reimbursement category by the State Department of Health Services shall pass through to nonadministrative employees a portion of the payment rate increase attributable to the salaries, wages, and benefits component of the Medi-Cal cost-of-living adjustment for skilled nursing facilities, intermediate care facilities, intermediate care facilities/developmentally disabled, and intermediate care facilities/developmentally disabled-habilitative, as defined in Section 1250 of the Health and Safety Code. It is the intent of this section to provide increases to nonadministrative employees, exclusive of administrators or administrators-in-training.

(b) The department shall adopt regulations setting forth a median nonadministrative labor cost base per patient day calculated on the basis of actual facility labor costs within each reimbursement category. The median established for each category shall reflect all data reported by facilities, provided that the data base includes a statistically valid number of facility certifications which capture facility spending pursuant to Chapters 10 and 11 and 111 of the Statutes of 1985 for the period of August 1, 1986, through July 31, 1987 Both free-standing and hospital-based facilities shall file certifications for this period with the department before September 15, 1987, and the department shall use these certifications to publish medians by reimbursement category before November 1, 1987.

(c) Each long-term health care facility shall compare its actual nonadministrative labor costs per patient day, including nurse registry and contract labor expenses in an amount consistent with wages paid employees performing similar duties, during the August 1, 1986, through July 31, 1987, base period to the median labor cost base established for its category Facilities with actual labor costs below the median shall increase labor costs by an amount sufficient to reach the median, or a specific percentage of the rate increase attributable to labor costs as follows·

(1) Facilities with labor costs in the 26th through 49th labor cost percentiles must increase these costs by 75 percent of the rate increase attributable labor

(2) Facilities with labor costs in the first through 25 labor costs percentiles must increase these costs by 87.5 percent of the increase attributable to labor

Facilities with labor costs equal to or greater than the median labor cost base established for their category shall not be subject to this requirement

(d) The Cost-of-Living Adjustment (COLA) median labor cost base process established in this section represents a consolidated requirement which encompasses facility spending requirements associated with the wage pass-through provisions of Chapter 10 and 11 of the Statutes of 1985 and Chapter 19 of the Statutes of 1978. With the exception of the specific wage levels required under Section 1439.7 of the Health and Safety Code, this process shall be used exclusively by the department to monitor facility compliance with all previous pass-through requirements in lieu of existing monitoring mechanisms after the effective date of this act.

(e) Long-term care facilities shall document, in a certification submitted to the department by September 15, 1987, their Cost-of-Living Adjustment (COLA) pass-through obligation and compliance with the requirements of this section The department shall audit these certifications to ensure that facilities subject to these requirements increase labor cost per patient day by the appropriate amount during the period of August 1, 1987, through July 31, 1988. In assessing facility compliance, the department shall compare facility labor costs per patient day during this period to those reported for the base period described in subdivision (c) above The department shall also consider documented operational

efficiencies which impact overall labor costs in this comparison

(f) Effective with facility certifications filed for the July 1, 1985, through July 31, 1986, period, facilities shall be allowed to carryover any excess or shortage within 25 percent of their pass-through obligation from one certification period to another, provided that this carryover is spent in addition to any new labor cost increase required during the second certification period. Shortages in excess of 25 percent in the first facility fiscal period, or any shortages which remain at the end of the second fiscal period, shall be distributed by the facility with a 10 percent penalty through a one-time payment to all employees within 60 days of the end of the certification period or the date of final post-appeal audit findings Facilities which do not meet their pass-through obligation, except as specified above, shall be subject to recovery of that portion of the Medi-Cal Cost-of-Living Adjustment (COLA) pertinent to the compliance period not distributed to employees and other actions pursuant to Section 14017.4 of the Welfare and Institutions Code Money recovered pursuant to this section shall revert to the General Fund

(g) The department shall provide a waiver to the Cost-of-Living Adjustment (COLA) pass-through requirements when it determines that a facility will be unable to provide adequate care for patients or maintain financial stability without diverting these funds from labor to other costs. Waiver requests shall be submitted by December 1, 1987, and decisions rendered by February 1, 1988. Life threatening/emergency situations will be processed by the department on an individual case/situation basis Waivers shall only be granted on a prospective basis, retroactive adjustments shall be handled through the existing audit/appeal process.

(h) The department shall develop the specific methodology and procedures necessary to implement this act with consultation from labor, providers, and legislative committee representatives Prior to implementation of these provisions, the Department of Health Services shall advise the fiscal committee of each house of the Legislature Facilities shall be provided with complete instructions and monitoring guidelines prior to implementation of these procedures.

(i) The department shall report with input from the parties identified in (a) above to the Legislature by May 1, 1989, on the effectivenesss of this section in ensuring the required pass-through of wages, including a report on the number of facilities and the dollar amounts involved in compliance audits resulting in the imposition of penalties required by this section. In conjunction with this report, the department shall also implement a plan for integration of these procedures with the standard Medi-Cal and disclosure report process by December 1, 1989 "

I am deleting Provision 17 because this language is unnecessary and could potentially reduce the possibility of obtaining a federal waiver to provide these services. The Department of Health Services currently has the authority to request federal waivers However, federal waivers are only granted if it has been established that such a waiver is cost-beneficial. Currently, the Department of Health Services is in the process of determining which home and community-based services would be deemed cost-beneficial. A federal waiver request will be sent for those services The language adopted by the Legislature requires that the waiver request must include case management, home health attendant aid, homemaker, adult day care, and respite care whether or not the services are cost beneficial If this language were to remain in the Budget Act, it could result in the Department committing scarce resources to pursuing a federal waiver which will not be approved

"17 The State Department of Health Services shall seek from the federal Department of Health and Human Services a waiver from existing Medicaid regulations for the purpose of obtaining federal financial participation in funding home and community-based services to Medi-Cal eligible individuals with AIDS or with AIDS-related conditions who would have to receive inpatient or nursing home care but for the provision of home and

community-based services. Home and community-based services that shall be included in the waiver application include, but are not limited to, case management, home health attendant aid, homemaker, adult day care, and respite care. Room and board shall be specifically excluded from the waiver application The department shall submit the waiver request no later than September 1, 1987."

I am deleting Provisions 20 and 21 which add Motrin and pentoxifylline to the Medi-Cal Drug Formulary Current policy places the responsibility for adding or deleting drugs from the Medi-Cal Drug Formulary with the Department of Health Services subject to review by the Medical Therapeutic and Drug Advisory Committee and in depth study by the pharmacists and physicians within the Department of Health Services. I believe that the budget process is an inappropriate means of adding drugs to the Formulary.

In the case of Motrin, efficacious alternative drugs are currently on the Formulary and both drugs are available on a prior authorization basis to Medi-Cal patients. Significantly increased costs would result from the addition of these drugs to the Formulary without any substantial therapeutic benefit.

"20 The State Department of Health Services shall add Motrin 800-milligram to the Medi-Cal Drug Formulary, and immediately promulgate emergency regulations for this purpose."

"21 The State Department of Health Services shall add pentoxifylline to the Medi-Cal Drug Formulary, to be used for treatment of intermittent claudication. The department shall immediately promulgate emergency regulations for this purpose."

I am deleting Provision 22 because expenditures are primarily controlled by eligibility and utilization and not by providers. I believe that the exemption created by this provision is unwarranted. Any rate reductions implemented pursuant to Welfare and Institutions Code Section 14120 should be applied to all providers except where prohibited by federal law or in cases where access may be affected.

"22 The Director of the State Department of Health Services shall not impose rate reductions pursuant to Section 14120 of the Welfare and Institutions Code on Medi-Cal services that do not exceed their allocations in the period in which the proposed rate reduction determination is made."

I am revising Provision 30 because the California Medical Assistance Commission does not have the necessary data to establish which hospitals are disproportionate share providers on the basis of "patients not covered by third party payors." Determination of disproportionate share hospitals for Medi-Cal reimbursement purposes should be based on services to Medi-Cal patients. It would be inappropriate to use all patients with no third party coverage for this purpose. The current negotiating procedure clearly allows for "contracts at rates above a facility's costs" making this phrase redundant and potentially confusing.

"30. (a) The $25,000,000 appropriation provided in Schedule (ax), Program 50.12, Special Adjustment-(Contracts with Disproportionate Share Hospitals), shall be to fund rate increases negotiated after June 30, 1987, by the California Medical Assistance Commission for hospitals serving a disproportionate share of Medi-Cal patients. The Commission shall allocate $2,000,000, $1,000,000 from the General Fund and $1,000,000 from federal funds, for rural, distressed safety-net providers and county-operated hospitals with less than 100 acute care beds which serve a preponderance of persons residing in rural areas.

(b) Amounts shall be allocated from Schedule (ax) to Schedule (a) of this item in the appropriate fiscal years to cover the annualized cost for each rate increase provided from these funds, by executive order of the Department of Finance, based on the estimate of annualized cost and fiscal year costs made by the commission. Any rate increases resulting from these funds shall be in addition to any other rate increases which hospitals would have received.

(c) Disproportionate share hospitals are hospitals which serve a disproportionate number of Medi-Cal beneficiaries, ~~or patients not covered by other third party payors~~ as referenced in subdivision (k) of

Section 14083 of the Welfare and Institutions Code and as determined by the California Medical Assistance Commission ~~The commission may contract at rates above a facility's costs if the financial viability of that facility is threatened~~

(d) The aggregate cost of these rate increases shall not exceed an annualized cost of $25,000,000. Furthermore, notwithstanding Section 2.00 of this act, the funds provided in this schedule shall be available for expenditure for the 1987–88, 1988–89, and 1989–1990 fiscal years Funds in this schedule shall be appropriated in Item 4260-101-001 and 4260-101-890

Item 4260-101-890—For local assistance, Department of Health Services I reduce this item from $2,812,254,000 to $2,745,000,000,
and revise Provision 1.

I am deleting the $142,000 legislative augmentation for a $150 rate differential to providers of comprehensive perinatal services to correspond to my action in Item 4260-101-001

I am deleting the $36,020,000 legislative augmentation which eliminated the savings projected for my Medi-Cal Program Restructuring Proposal to correspond to my action in Item 4260-101-001

I am deleting the $31,092,000 legislative augmentation which eliminated the savings from the ten percent provider rate reductions proposed in 1986–87 pursuant to Welfare and Institutions Code Section 14120 to correspond to my action in Item 4260-101-001

I am revising Provision 1 to conform with this action

"1. The amount payable from this item is scheduled as follows

(a) 50 10 Eligibility (County Administration)	75,849,000
(b) 50.11 Benefits (Medical Care and Services)	~~2,690,118,000~~ *2,622,864,000*
(bx) 50 12 Special Adjustment—Contracts with Disproportionate Share Hospitals	12,500,000
(c) 50 50 Fiscal Intermediary Management	33,787,000"

Item 4260-106-001—For cost-of-living increases, Department of Health Services I reduce this item from $23,179,000 to $4,934,000 by reducing

(a) 50 11-Benefits (Medical Care and Services) from $46,358,000 to $9,868,000 and

(b) Amount payable from the Federal Trust Fund (Item 4260-106-890) from −$23,179,000 to −$4,934,000,
and revising Provision 1 and deleting Provisions 2 and 3

I am reducing $374,000 in this item and taking corresponding action in Item 4260-106-890 by reducing $374,000 in federal funds added by the Legislature to increase adult day health care rates I am retaining $193,000 in this item and a corresponding amount in Item 4260-106-890 to provide a cost-of-living adjustment consistent with the increase provided to skilled nursing facilities The rate increase proposed by the Legislature would bring adult day health care daily rates to about 94 percent of current skilled nursing facility 24-hour care rates This is contrary to one of the original purposes of adult day health care which was to provide an economical alternative to skilled nursing care

I am revising Provision 1 to conform with this action

"1. The department shall reimburse for adult day health care services at a daily rate of ~~$42.97~~ *$39.45* "

I am deleting $10,000,000 in this item and taking corresponding action in Item 4260-106-890 by deleting $10,000,000 in federal funds added by the Legislature to increase hospital rates to take into consideration the special circumstances of hospitals serving a disproportionate share of Medi-Cal and other low income patients on an outpatient basis

Currently, outpatient services are funded under the Medi-Cal program based on a uniform fee schedule This augmentation would provide reimbursement rates in excess of those currently offered pursuant to the Schedule of Maximum Allowances, establishing preferential treatment for hospitals compared to all other outpatient providers It is possible that this action would not qualify for federal financial

participation In addition, the language defines disproportionate share on the basis of both Medi-Cal billings and "other" outpatient deductions from revenue. It is inappropriate to base Medi-Cal reimbursements on "other" deductions for bad debt and charity care not related to Medi-Cal

I am providing $25 million for increased rates for disproportionate share hospitals' inpatient rates in Items 4260-101-001 and 4260-101-890 These funds will be provided within the hospital contracting process in recognition of the unique financial problems of many institutions serving large numbers of Medi-Cal patients

I am also deleting Provision 2 to conform to this action.

"2. Of the amounts appropriated in this item, $10,000,000 transferred from Item 4260-106-890 and $10,000,000 from the General Fund are for rate increases to hospitals that the Director of the State Department of Health Services determines to be disproportionate outpatient providers For the purposes of this provision, a disproportionate outpatient provider is a hospital that exceeds the mean value of the disproportionate provider factor for all hospitals as determined by the director based on the most recent annual disclosure data administered by the Office of Statewide Health Planning and Development In making this determination, the director may give special consideration to hospitals that previously had not submitted necessary data elements and that certify to changes in relevant data subsequent to the most recent state report

This factor shall be the proportion of total outpatient gross revenue attributable to Medi-Cal gross revenue and "Other" outpatient deductions from revenue Medi-Cal gross revenue shall include Medi-Cal revenue from eligible persons who are members of prepaid health plans, as defined in Section 14251 of the Welfare and Institutions Code.

The rate increases shall be effective August 1, 1987, and shall be in amounts that (1) are in proportion to the degree by which each hospital's disproportionate outpatient factor exceeds the mean, and (2) shall be calculated by the director based on his or her most recent estimate of Medi-Cal outpatient utilization in such a way as to cost $20,000,000 ($10,000,000, General Fund) during fiscal year 1987–88 "

I am deleting $3,646,000 in this item and taking corresponding action in Item 4260-106-890 by deleting $3,646,000 in federal funds added by the Legislature to provide a one percent discretionary rate increase to Medi-Cal non-hospital providers with the exception of long-term care and physician services Because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS and toxic wastes I am unable to provide cost-of-living adjustments for programs such as this one Even with this reduction, I am providing over $100 million for statutory COLAs in Health and Welfare programs during 1987–88

I am deleting $4,225,000 in this item and taking corresponding action in Item 4260-106-890 by deleting $4,225,000 in federal funds added by the Legislature to provide a discretionary COLA amounting to an 18 6 percent rate increase to providers of obstetrical/gynecological (OB/GYN) services. I believe that the 26.5 percent rate increase provided in the 1986–87 Budget is adequate in that it brings obstetrical providers to parity with Medi-Cal providers of other critical primary care services and is adequate to ensure access to obstetrical services In addition, as noted above, because of the need for funds in high priority areas, I am unable to provide cost-of-living adjustments for programs such as this one

I am also deleting Provision 3 to conform with this action

"3. Of the amount appropriated in this item, $8,450,000 ($4,225,000 General Fund and $4,225,000 Federal funds) shall be for providers of Obstetrical/Gynecological (OB/GYN) services for purposes of providing a 18.6 percent rate increase. All other Medi-Cal fee-for-service, non-hospital providers, except long-term care and physician services, shall receive a rate increase of one percent."

Item 4260-106-890—For local assistance, Department of Health Services I reduce this item from $23,179,000 to $4,934,000

I am reducing this item by $374,000 and retaining $193,000 of the legislative augmentation for adult day health care rate increases to correspond to the action I have taken in Item 4260-106-001

I am deleting the $10,000,000 legislative augmentation for rate increases to hospitals serving a disproportionate number of Medi-Cal or other low income patients on an outpatient basis to correspond to the action I have taken in Item 4260-106-001.

I am deleting the $4,225,000 legislative augmentation to provide an 18 6 percent rate increase to providers of obstetrical/gynecological (OB/GYN) services to correspond to the action I have taken in Item 4260-106-001

I am deleting the $3,646,000 legislative augmentation for a one percent discretionary rate increase to Medi-Cal non-hospital providers with the exception of long-term care and physician services to correspond to the action I have taken in Item 4260-106-001.

Item 4260-111-001—For local assistance, Department of Health Services. I reduce this item from $1,243,268,000 to $1,135,452,000 by reducing

(a) 11-Preventive Medical Services from $18,503,000 to $9,016,000

(b) 15-AIDS from $18,873,000 to $18,777,000

(c) 20-Family Health Services from $138,601,000 to $130,119,000 and

(d) 40-Rural and Community Health from $1,067,291,000 to $977,540,000,

and revising Provisions 1, 1 5, 2, and 3

I am reducing $9,190,000 of the $10,000,000 legislative augmentation for the Alzheimer's Diagnostic and Treatment Centers. I am retaining $810,000 for Alzheimer's Diagnostic and Treatment Centers This amount will provide, on the average, for an increase from $115,000 to $250,000 per center for the existing six centers My budget contains a total allocation for Alzheimer's Diagnostic and Treatment Centers of $1 5 million; over twice the amount allocated in 1986–87 I am deleting Provision 1 (c) to conform to this action

I am deleting the $215,000 legislative augmentation for the Medication Education Program for Seniors In 1987–88, funds for this program are available through Special Needs and Priorities (SNAP) funding in the County Health Services budget which is specified in Subdivision (c) of Provision 3 of this item Welfare and Institutions Code Section 16707 allows the SNAP fund to total up to $2,450,000 in 1987–88 The Medication Education Program is ranked seventh in terms of priority, and funding, if available, would be administered under the established SNAP grant program I have not seen any justification which supports the proposed augmentation or which warrants changing SNAP funding program priorities I am deleting Provision 1(d) to conform to this action

I am reducing this item by $1,000,000 to reflect the deletion of the legislative augmentation for the testing and treatment of Chlamydia My budget includes $34.2 million for contracts with various agencies to provide family planning services These funds are available for various services, including testing for and treatment of sexually transmitted diseases such as Chlamydia I am deleting Provision 2(d) to conform to this action.

I am deleting the $3,000,000 legislative augmentation for family planning contracts. My budget contains $34,155,000 for this program which represents a 21 5 percent increase over the 1983–84 budget for this program I am deleting Provision 2 (e) to conform to this action

I am deleting a legislative augmentation of $750,000 added to fund school-based health clinics The progam is being proposed in SB 717 Any funding for the program should be included in the bill and considered along with the program policy There is no demonstrated statewide need for school-based clinics. To the extent that they are a local priority, existing public and private funds should be used. In addition to Medi-Cal, which provides services to eligible low-income citizens, the Department of Health Services provides funding for several other programs which make services available to adolescents The Office of Family Planning contracts statewide with various private, non-profit agencies for family planning education and clinical services. In addition, subventions are provided for county health services (AB 8), including outpatient services, and for health services to the medically indigent (Medically Indigent Services Program). I am deleting Provision 2 (f) to conform to this action.

I am deleting the $1,000,000 legislative augmentation for the Women, Infants, and Children program This is a $166,195,000 federal program, not separately authorized under State law. It is inappropriate and unnecessary to provide State funding for this federal program I am deleting Provision 2 (l) to conform to this action

I am deleting the $1,830,000 legislative augmentation for community based perinatal programs, the diabetes in pregnancy program, and perinatal regionalization programs In 1986–87, I added $7,511,000 to the budget for Maternal and Child Health Services to replace federal funds that were no longer available These funds continue into 1987–88 My budget, therefore, already contains in excess of $25 million for various perinatal programs I am deleting Provision 2 (h), (i), and (j) to conform to this action

I am deleting a legislative augmentation in the amount of $500,000 to provide funding for the California Health Services Corps The National Health Services Corps has been provided 133 health personnel in California However, the federal government has proposed a cutback in the program which will result in a net loss of 20 physicians for California Funds are currently available through contracts to clinics in underserved areas under the same legislation that authorizes the California Health Services Corps Nothing precludes the clinics from utilizing contract funds for physician salaries

I am deleting the $69,000,000 legislative augmentation for the Medically Indigent Services program Although I proposed to increase the funding for this program by $12,500,000 in May, I believe that the Legislature's proposal to provide block grant funding to counties, contained in Section 32 50, provides a better approach to address individual county needs Because the funds provided in Section 32 50 will be allocated to the counties as general revenue, counties will have the discretion to utilize the funding for the highest priority programs within each county, including medical services and trauma care The amount of funding for the Medically Indigent Services program will continue at the 1986–87 level of $498,435,000. I am deleting the first subdivision (c) of Provision 3 to conform to this action

I am deleting a $20,000,000 legislative augmentation for reimbursement of physicians and hospitals for uncollected charges for providing emergency medical services The problem of providing funding for medical care for the uninsured, nonindigent population is nationwide in scope and cannot be efficiently and fairly resolved by this sort of piecemeal approach In addition, public reimbursement to physicians and hospitals for services rendered to patients who do not pay would reduce incentives to actively collect money owed them since prorated reimbursement can be received regardless of the reasons for non-payment I am deleting the first subdivision (d) of Provision 3 to conform to this action

I am deleting the $40,000 legislative augmentation to provide funding for a half-time physician for the South County Community Clinic in San Juan Capistrano This clinic currently receives a primary health care grant in the amount of $20,000. I believe that the clinic should be required to continue to compete for State funding with the many other small and rural clinics

I am deleting the $1,291,000 legislative augmentation for discretionary cost-of-living adjustments (COLA) for public health categorical programs These increases were to be distributed to programs as follows $82,000 for Preventive Medical Services; $96,000 for AIDS, $902,000 for Family Health Services, and $211,000 for Rural and Community Health Services. I have addressed the critical growth needs of these programs through the May Revision process by adding $4,297,000 for the Child Health and Disability Prevention program, $7,129,000 for California Children's Services and $915,000 for the Genetically Handicapped Persons program In addition, over $24 3 million of new funds have been included for the Department of Health Services for AIDS programs In light of other budgetary priorities I believe that across the board augmentations are not justified

I am deleting Subdivision (a) of Provision 1 5 which requires that $1 million of the amount budgeted for the AIDS alternative test site program be redirected to fund an early diagnostic treatment program and to support mobile anonymous testing programs The alternative test site program is a critical program designed to anonymously test individuals to find out if they are infected with the AIDS retrovirus (HIV) to eliminate the use of blood banks by individuals wishing to test for AIDS To the extent any funds are redirected from HIV antibody testing, the State would be

unable to meet the demand (currently estimated at 11,000 persons per month) for testing. Clearly, the early diagnostic and treatment activities would redirect critical resources away from testing To the extent that mobile testing is more costly than testing in the alternative test sites, this proposed activity would also effectively decrease the resources available. Since the utilization of the alternative test site program has more than doubled since 1986, I am opposed to any redirection of funds which would limit the number of tests that could be provided in 1987–88

I am deleting Provision 2(k) which requires the Department of Health Services to request federal financial participation for county costs incurred in the new Medi-Cal comprehensive perinatal program. The counties perform provider recruitment for perinatal programs other than the comprehensive perinatal services program Increased county costs cannot be estimated or demonstrated for this new program since no data currently exists. It is clear that a waiver would currently be denied and, as such, this language is not warranted

. I am revising Provisions 1, 1 5, 2, and 3 to conform with these actions

"1. Program 11-Preventive Medical Services.

(a) Funds appropriated in this item for the purpose of grants and contracts for lupus erythematosus research shall be used for basic research and shall be subject to the provisions of Section 2 of Chapter 297 of the Statutes of 1976 as amended by Section 1 of Chapter 643 of the Statutes of 1982

(b) The State Department of Health Services shall redirect $200,000 of the funds appropriated for lupus erythematosus to fund studies of transfusion-related AIDS or hepatitis The department shall contract with up to three university medical schools or medical schools affiliated with university medical schools to conduct the studies The contracts shall be approved by that body which approves contracts for research into lupus erythematosus.

The studies shall compare results in three categories (1) patients receiving pooled, random platelet transfusions of 6 to 10 platelet packs, (2) patients receiving platelet pheresis concentrates from volunteer donors; and (3) patients receiving platelet pheresis concentrate from compensated donors

Both voluntary and compensated donors whose platelet pheresis products are screened for potential transfusion purposes at these medical schools and clinics shall also receive donor and platelet product laboratory testing Laboratory tests to be included in this survey are those associated with patient safety from transfusion-related infectious diseases and include all of the following tests· hepatitis surface antigen, antibody to hepatitis core antigen, HTLV-III antibody, and ALT test for elevated liver enzymes

~~(c) Of the additional funds for Alzheimer's programs contained in the 1987/88 budget for the State Department of Health Services, $1.5 million shall be allocated to existing centers, $3.5 million shall be allocated for up to 10 new centers, $60,000 shall be allocated to state support, $70,000 shall be allocated to evaluation, and $1,870,000 shall be spent for additional Alzheimer's research projects.~~

~~(d) Of the funds appropriated in this item, $215,000 shall be used to support existing senior medication education programs which have demonstrated the ability to provide a comprehensive array of educational services through a cost/efficient, collaborative regional approach. An evaluation report shall be submitted to the State Department of Health Services and the Legislature by April 15, 1988. Participating counties shall be required to provide 50% matching funds, or an equal value in in/kind staff and materials.~~

1.5 Program 15-AIDS·

~~(a) Of the funds provided for the alternative test site program, the department shall allocate $1,000,000 to (1) establish an early diagnostic treatment program in the test sites, and (2) support mobile anonymous testing programs.~~

(b) The department shall create a reserve of $125,000 from the amount

appropriated in this item for AIDS programs. The reserve may be allocated for special local assistance projects identified during the year which were not anticipated during the budget process. Funds allocated from this reserve are subject to the provisions of Section 28.00.

2. Program 20-Family Health Services·
   (a) Funds appropriated in this item for services to physically handicapped children shall be used in accordance with provisions of Article 2 (commencing with Section 248) of Chapter 2 of Division 1 of the Health and Safety Code, provided that any person who is eligible for and is receiving services under the program funded by this item shall not be denied services or suffer an interruption of services because of any relocation within this state.
   (b) Collections of family repayments by CCS in excess of $750,000 shall be used to offset the General Fund appropriation to those programs.
   (c) The CCS Program shall require all CCS applicants who are potentially eligible for cash grant public assistance to apply for Medi-Cal eligibility prior to becoming eligible for CCS funded services, unless the individual declines to apply on the basis of known ineligibility under state law and the regulations promulgated thereunder
   ~~(d) There shall be allocated $1,000,000 to the Office of Family Planning to fund the testing and treatment of Chlamydia for individuals who are eligible for services pursuant to Section 14503 of the Welfare and Institutions Code.~~
   ~~(e) There shall be allocated $3,000,000 to the Office of Family Planning to fund family planning services pursuant to Section 14501 of the Welfare and Institutions Code~~
   ~~(f) The sum of $750,000 is hereby appropriated from the General Fund to the Maternal and Child Health Program in the State Department of Health Services for allocation for the establishment and operation of school/based health clinics~~
   ~~These funds shall not be appropriated for this purpose unless SB 717 of the 1987/88 Regular Session is chaptered~~
   (g) By October 1, 1987, the Superintendent of Public Instruction and the Departments of Health Services and Mental Health shall submit for public comment the proposed regulations implementing Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 2 of the Government Code, concerning interagency responsibilities for providing services to handicapped children

   By November 1, 1987, the Departments of Developmental Services and Health Services (including representation from California Childen's Services and Medi-Cal) shall negotiate an interagency agreement concerning clients concurrently eligible for services The interagency agreement shall delineate the service responsibilities of each agency as it relates to mutual clients. The Department of Education shall provide technical assistance pursuant to Section 300.600 of Title 34 of the Code of Federal Regulations to ensure that the agreement is written in compliance with all applicable federal laws concerning delivery of services to handicapped children
   ~~(h) The State Department of Health Services shall increase by $1,000,000 funds for communitybased perinatal programs. The department shall allocate the funds through a request/for/proposal to counties in which low/income women are experiencing problems in accessing prenatal care.~~
   ~~(i) The State Department of Health Services shall increase by $320,000 funds for diabetes in pregnancy programs. The department shall use the funds to fully fund four programs which are partially funded and to establish two additional programs at $60,000 each.~~
   ~~(j) The State Department of Health Services shall increase by $510,000 funds for perinatal regionalization programs. The department shall use the funds to fully fund those regions in Fresno and Los Angeles Counties which presently are unfunded or under/funded~~
   ~~(k) The State Department of Health Services shall submit by September 1,~~

~~1987, a request to the federal government for federal financial participation for implementing county costs incurred in comprehensive perinatal services.~~

~~(f) Of the funds appropriated in this item, one million dollars ($1,000,000) shall be allocated to the Department of Health Services to administer the California Special Supplemental Food Program for Women, Infants, and Children for the purpose of providing the department with the means to fully use existing federal funds. These funds shall ensure that enough money is allocated locally to expend the entire federal grant for food, administrative and direct nutrition services in the same proportion as set forth in the state special project existing on January 1, 1986. It is expected that all or most of the appropriation shall revert to the General Fund on June 30, 1988, and that subsequent appropriations shall be set aside through the annual Budget Act.~~

3. Program 40-Rural and Community Health

(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) Amounts identified as abatements to the county medical services program for retroactive aid to the totally dependent program claims shall be transferred from the Health Care Deposit Fund to the county medical services program without regard to fiscal year.

~~(c) Of the amount appropriated in this Item for the Medically Indigent Services Program, Los Angeles County shall use at least $9,900,000 from its allocation to expand its support of emergency medical and trauma services.~~

~~(d) Of the amount appropriated in this item, $20,000,000 shall be allocated to reimburse physicians and hospitals for a percentage of the losses they incur in providing emergency medical services. These funds shall be available for allocation upon enactment of legislation specifying the procedures for reimbursement of these providers.~~

(c) To the extent savings are available from the County Health Services Fund, the director shall allocate the funds according to the following priorities

(1) Public Health Emergencies	$315,000
(2) Distressed County Facilities, as defined in Section 16715 of the Welfare and Institutions Code	470,000
(3) Refugee Health Programs	245,000
(4) Computerization of County Information	535,000
(5) County-Clinic Linkages	130,000
(6) Elder Care Projects	505,000
(7) Medication Education Program for Seniors	250,000

If the funding applications of local jurisdictions request fewer funds from one category than the amounts set forth above, the director may reallocate funds from one category to another However, in reallocating funds, the director shall first consider the need for additional funds in the categories in the order or priorities listed above

(d) Funds appropriated for Medically Indigent Services in independent counties shall be spent to preserve or provide reasonable access to both inpatient hospital care and outpatient care.

Outpatient care includes reasonable access, as determined by the State Department of Health Services, to physician's services through county outpatient clinics, nonprofit community outpatient clinics, or other arrangements, the Medi-Cal formulary of prescription drugs, and acute dental care. The department may withhold this funding for any county for which it makes a finding that the funding is not necessary to preserve or provide reasonable access to both inpatient hospital care and outpatient care. The department shall withhold approval if it makes a finding that the county will not be in compliance with state statutory requirements governing

eligibility, advance payment of patient liability, or notices."

Item 4300-101-001—For local assistance, Department of Developmental Services, for Regional Centers I reduce this item from $404,440,000 to $398,709,000 by reducing:

10 10-Regional Centers

(a) 10.10.010-Operations from $118,110,000 to $117,177,000,

(b) 10 10 020-Purchase of services from $288,898,000 to $284,101,000,

and

(d) 10 20 030-Cultural Center for the Handicapped from $147,000 to $146,000.

I am deleting the $3,998,000 legislative augmentation for a one percent cost-of-living increase for out-of-home, day, and the other service programs in the Regional Centers' purchase of service budget The final budget will provide an additional $29,754,000, which represents an increase of 11 7 percent, to provide additional support services for persons with developmental disabilities.

I am also deleting the $800,000 legislative augmentation for a rate adjustment for day programs which would partially fund the lag between allowable costs and the current reimbursement levels. This augmentation would provide preferential treatment for one provider type. There is no evidence to indicate that rates paid for day programs are inequitable in comparison to providers of services in other major program areas.

I am also reducing $933,000 of the $1,400,000 legislative augmentation for the cost-of-living increase for regional center employees. I am retaining $467,000 of the augmentation, which, when added to the amount originally proposed, will provide up to a 4 percent general compensation increase package effective January 1, 1988. This is consistent with my action in Item 9800-001-001 regarding the employee compensation increase for State employees.

Item 4300-111-001—For local assistance, Department of Developmental Services, for State Hospitals. I reduce this item from $34,354,000 to $34,298,000 by reducing:

(a) 20-State Hospital Services Program from $468,506,000 to $468,450,000, and deleting Provision 5.

I am deleting the $56,000 legislative augmentation for the one percent cost-of-living adjustment for the Developmental Center county education contracts. Because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes, I am unable to provide cost-of-living adjustments for programs such as this one Even with this reduction, $5 6 million is available to contract for these services

I am also deleting Provision 5 because it does not allow sufficient flexibility to provide for a continuity of laundry services to the State Hospitals. Although I support maximizing work programs for prisoners, it is important that the State Hospitals maintain the flexibility to revise PIA laundry service contracts when situations arise due to circumstances beyond their control. Furthermore, I am concerned that this language could create additional costs to the State for additional staffing and for repair of State Hospital laundry equipment which is old and in poor condition

"5 The Prison Industries Authority (PIA) is prohibited from subcontracting Department of Developmental Services' contracted services to private firms where the PIA cannot complete the work itself. In determining its ability to complete the work, PIA shall consider the feasibility of additional prisoner worktime, including voluntary overtime. When the PIA cannot complete the work itself, state civil servants shall be employed for the work originally contracted to the PIA."

Item 4440-101-001—For local assistance, Department of Mental Health

I am deleting Provision 13 This Provision would require Los Angeles County to allocate funds received from this item to Service Area 5 to correct unmet service needs identified in a June, 1987 Los Angeles County Grand Jury report. It is this Administration's policy that counties utilize their Short-Doyle local assistance funds based on their local priorities. Consistent with this policy, since this is a local problem, it should be addressed at the local level

"13 Funds received by Los Angeles County under this item shall first be allocated to Service Area 5 to correct the unmet service needs identified in the June 1987 report of the Social and Human Services Mental Health

Subcommittee of the 1986–87 Los Angeles County Grand Jury."

Item 4440-111-001—For local assistance, Department of Mental Health, for services to brain damaged adults I reduce this item from $6,683,000 to $3,257,000, and delete Provision 1

I am deleting the $120,000 legislative augmentation for the Statewide Resources Consultant for day activity programs and/or supported employment projects for brain damaged adults. My budget already provides $445,000 for this Consultant An augmentation for this purpose is premature as the Department has requested that the Statewide Resources Consultant conduct a study to determine the appropriate level of programmatic and fiscal needs

I am deleting Provision 1 to conform with this action

"1. Of the amount appropriated in this item, $120,000 shall be made available to the Statewide Resources Consultant under Chapter 1658 of the Statutes of 1984, as a "sole source contract" for no more than two demonstration projects which will be contracts with community-based, non-profit corporations which have experience in developing and operating day activity or supported employment projects for adults with acquired head injuries

In making determinations of contractors, the Statewide Resources Consultant, in consultation with the department, shall give highest priority to proposed projects which will maximize federal funding for recipients of services from the Federal Rehabilitation Act of 1973, as amended, and which will involve a community college and other local resources in a collaborative venture "

I am deleting the $31,000 legislative augmentation for a one percent discretionary cost-of-living adjustment for this item. Because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes, I am unable to provide cost-of-living adjustments for programs such as this one

I am deleting the $275,000 legislative augmentation to expand services for brain damaged adults The intent of this augmentation was to provide an additional five months funding for four new Regional Resource Centers My budget provides $3,257,000 for support of seven existing and four new Regional Resource Centers This budgeted level meets the statutory requirement for statewide implementation by September, 1988 pursuant to Chapter 1658, Statutes of 1984

I am also deleting the $3,000,000 legislative augmentation for the Department of Mental Health Brain Damaged Local Assistance Item This augmentation consists of (1) $2,300,000 for service to brain damaged adults, (2) $500,000 for the Statewide Resources Consultant, and (3) $200,000 for an evaluation contract This $3,000,000 expansion has not been justified. The $500,000 would more than double the current $445,000 budgeted for the Statewide Resources Consultant and, as indicated above, is premature. My budget already includes $60,000 for an evaluation contract to be let in 1987–88, thus an additional $200,000 is not warranted

Item 4440-131-001—For local assistance, Department of Mental Health. I reduce this item from $18,700,000 to $8,200,000 by reducing

(a) 10.80-Assessments, treatment and case management of special education pupils pursuant to Chapter 1747 of the Statutes of 1984 and Chapter 1274 of the Statutes of 1985, from $19,375,000 to $8,875,000 and

deleting Provision 4

I am reducing the $14,000,000 legislative augmentation to this item by $10,500,000. I am retaining $3,500,000 of the augmentation, which, when added to the $6,000,000 reappropriation in Item 4440-491, will provide a total increase of $9,500,000 for services to special education pupils. This represents a 177 percent increase in funding over the 1986–87 program level With these augmentations, my budget provides a total of $14,875,000 for these services. When added to the estimated maintenance of effort counties report spending on services to special education pupils, an amount in excess of $20,000,000 is available for this program.

I am deleting Provision 4 because the 1986 Budget Act provided a waiver of the county match for one year Beginning in 1987–88, counties were expected to provide a match, consistent with other mental health services If adopted, this language would

result in a reduction of available service dollars of as much as $1,487,500.

"4 Notwithstanding any other provision of law, counties shall not be required to match funds in this item for services provided pursuant to Chapter 1747 of the Statutes of 1984 and Chapter 1274 of the Statutes of 1985."

Item 4440-491—Reappropriation, Department of Mental Health I delete Provision 3

I am deleting this provision because its intention is to provide another means by which counties could cover their State hospital overuse. The effect of this language would be to take funds which would otherwise revert to the General Fund and give them to counties who have not managed their resources to live within their State hospital day allocation. Current Administration policy precludes the use of rollover/savings from one county to another. This language is inconsistent with this policy Furthermore, I am concerned that adoption of this language would establish a precedent for "bailing out" counties who do not live within their allocations.

"(3) Item 4440-101-001 (b)-Community Services-Other Treatment, Budget Act of 1986, for local assistance, provided that upon completion of final costs settlements, all available unexpended funds not approved for rollover appropriated to the Department of Mental Health are reappropriated and shall be applied to the costs of state hospital services in counties who have exceeded their allocations due to lack of alternative mental health services."

Item 5100-001-185—For support of Employment Development Department. I reduce this item from $20,854,000 to $20,264,000,
and delete Provision 4.

I am reducing this item by $590,000, payable from this fund to Item 5100-001-870, to conform with my actions in Item 5100-001-870 as follows.

I am deleting a $250,000 legislative augmentation that would have provided funding for a work procedures and performance standards study.

I am deleting Provision 4 to conform with this action

"4 An amount not to exceed $250,000 is provided for purposes of EDD contracting with an independent consultant to develop a work management system for the Unemployment Insurance and the Disability Insurance Programs This system shall accomplish all of the following objectives:

(a) Evaluate work activities and identify measurable and nonmeasurable activities
(b) Identify and document operational improvement opportunities
(c) Develop work standards for measurable work tasks
(d) Develop effectiveness/quality measures.
(e) Develop a workload forecasting procedure to document staffing needs and support future budget requests.
(f) Formulate new budgeting procedures utilizing the work standards and workload forecasts"

I am deleting a $100,000 legislative augmentation that would have provided funding for the Genesis Project

I am also deleting a $240,000 legislative augmentation that would have provided additional funding for the Deaf and Hearing Impaired Program.

Item 5100-001-514—For support of Employment Development Department. I delete Provision 5

I am deleting this Provision because the additional appropriation of interest income earned by the Employment Training Fund is not needed for job training in 1987–88 I am sustaining new legislative language contained in Provision 4 which appropriates prior years' disencumbered funds The effect of Provision 4 will be to provide an additional $22 million for job training contracts In total, the Employment Training Panel will have $104,000,000 available in 1987–88 for training contracts Furthermore, I do not believe that Legislative intervention is necessary in the approval of individual job training contracts and would only result in unnecessary delays in worthwhile training

"5 Interest income earned from investments of the Employment Training Fund during fiscal year 1987–88 is hereby appropriated for transfer to and in augmentation of this item for allocation by the Employment Training Panel

for job training contracts The panel shall not expend any of this allocation for training contracts sooner than 30 days after notification in writing to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee "

Item 5100-001-870—For support of Employment Development Department. I revise this item by reducing:

(a) 10-Employment and Employment Related Services from $144,324,000 to $143,984,000

(b) 20-Tax Collection and Benefit Payments from $323,447,000 to $323,197,000

(i) Amount Payable from the Employment Development Contingent Fund (Item 5100-001-185) from −$21,854,000 to −$21,264,000

I am deleting a $250,000 legislative augmentation, payable from Item 5100-001-185, that would have provided funding for a work procedure and performance standards study of the Unemployment Insurance and the Disability Insurance programs Performance standards are collective bargaining issues. As such, related studies are already ongoing activities within the Department. In addition, in regard to the Unemployment Insurance Program, work measurements are tied to Federal Department of Labor standards thus limiting the Department's flexibility in implementing a new methodology in this area

I am deleting a $240,000 legislative augmentation, payable from Item 5100-001-185, that would have augmented the Deaf and Hearing Impaired program. Even with this elimination, my budget includes $859,000 for this program, an increase of 56 percent over the 1986–87 level of funding.

I am also deleting a $100,000 legislative augmentation, payable from Item 5100-001-185, that would have provided funding for the Genesis Project. This project would encourage students to do well in school by obtaining employment for them I do not believe that the Contingent Fund is an appropriate funding source However, because the project appears to have merit, I am instructing the Employment Development Department to make every effort to finance the project from 10 percent Wagner-Peyser funding which is available for such innovative training projects.

Item 5100-101-185—For local assistance, Employment Development Department. I delete this item.

I am deleting the $400,000 legislative augmentation for child care services to participants in Job Training Partnership Act programs because the Employment Development Contingent Fund, which is derived from penalties and assessments for the Disability Insurance, Unemployment Insurance and Employment Training programs, is an inappropriate funding source

Moreover, the Employment Development Department has taken steps to provide $500,000 for this program in 1987–88 from discretionary fund sources. That amount, along with anticipated savings in Federal Title XX funds available for the program, will provide a total Job Training Partnership Act Child Care program level of $1,000,000 in the budget year.

Item 5100-301-870—For capital outlay, Employment Development Department. I delete Provision 1.

I am deleting Provision 1. I concur with the concept of correcting all accessibility deficiencies on a priority basis, however, funds are not included for correcting known deficiencies at the Indio field office because the alteration project proposed for that office was judged to be infeasible and, subsequently, funds were deleted from the budget. At this time, it is not known if sufficient savings of budgeted funds for other projects will be available to address these deficiencies in a technically feasible manner during the budget year

"1. The first priority use of funds appropriated under this item for minor capital outlay shall be to provide handicapped accessibility to all facilities within Employment Development Department-owned field offices. The Employment Development Department shall initiate construction of, or enter into construction contracts for, all these handicapped accessibility projects during the 1987–88 fiscal year."

Item 5160-001-001—For support of Department of Rehabilitation I am revising this

item by reducing:

(a) 10-Vocational Rehabilitation Services from $129,131,000 to $129,089,000, and

(g) Amount payable from the Federal Trust Fund (Item 5160-001-890) from −$112,713,000 to −$112,671,000.

I am revising this item to reflect the $42,000 reduction of the one percent cost-of-living adjustment for the Supported Employment Program. The final budget will provide an additional $6,695,000, or a 253 percent increase over the 1986–87 program level, to fund anticipated caseload associated with the individual placement component of the Supported Employment Program.

Item 5160-001-890—For support of Department of Rehabilitation. I reduce this item from $112,713,000 to $112,671,000.

I am reducing this item by $42,000 to reflect the elimination of the cost-of-living adjustment for the Supported Employment Program.

This conforms with my action on Item 5160-001-001.

Item 5160-101-001—For local assistance, Department of Rehabilitation. I reduce this item from $74,829,000 to $73,989,000 by reducing:

(a) 10-Vocational Rehabilitation Services from $512,000 to $507,000,

(b) 20-Habilitation Services from $69,042,000 to $68,358,000,

(1) 20.10 Work Activity Program from $56,865,000 to $56,302,000,

(2) 20.30 Counselor-Teacher and Reader Services from $103,000 to $102,000,

(3) 20.40 Supported Employment Services from $12,074,000 to $11,954,000, and

(c) 30-Support of Community Facilities from $5,275,000 to $5,124,000,

and deleting Provision 3.

I am reducing this item by $740,000 to reflect the elimination of the one percent cost-of-living adjustment for the Department of Rehabilitation local assistance programs. My budget will still provide an increase of $9,988,000, or 15.6 percent over the 1986–87 level, for additional services to the disabled.

I am also deleting the legislative augmentation of $100,000 to hold Independent Living Centers harmless from any funding reductions that could result from the revised allocation criteria adopted by the Legislature. While I agree with the need to provide for a more simplified, equitable process for funding Independent Living Centers, the hold harmless provision would result in some centers receiving more than is justified under the formula. In addition, it would be more appropriate to pursue a permanent solution to this problem via regulatory changes rather than addressing this issue in the Budget Act. The Department of Rehabilitation is currently in the process of revising regulations to reflect the formula contained in Provision 3, absent the hold harmless provision. Therefore, this augmentation and Provision 3 are not warranted

I am deleting Provision 3 to conform with this action.

"3. For purposes of the 1987–88 fiscal year, the allocation of available General Fund moneys by the department to eligible independent living centers (ILC) shall be in accordance with the following criteria.

(a) Each ILC shall receive a $150,000 base grant.

(b) The allocation of these funds for the "population" factor shall be based upon the percentage of the general population in an ILC's catchment area as it relates to the total population of all ILC catchment areas

(c) No ILC shall receive fewer combined base grant and population funds than it received in the 1986–87 fiscal year.

(d) The "base year" for purposes of state matching funds for private funds raised by the new ILCs funded in the 1986–87 fiscal year shall be their first full year of operation with Department of Rehabilitation/Independent Living Center funding. The base amount for matching purposes shall be either 10% of the ILC grant for that period or the actual private fundraising amount, whichever is greater."

Item 5180-001-001—For support of Department of Social Services. I delete Provision 7.

I am deleting Provision 7 because this language is unnecessary since the individual Budget Act appropriations for County Administration in the Departments of Health Services and Social Services are sufficient to accommodate justified costs in the county

eligibility work activities in the 18 smallest counties. Furthermore, this language could create administrative accounting difficulties which would outweigh any benefit from such funding transfers.

"7. The Department of Social Services and the Department of Health Services shall make those administrative changes necessary to permit fund transfers effective January 1, 1988, between the local assistance budget items for county eligibility work activities (Items 5180-141-000 and 4260-101-001) in the 18 counties in California with the smallest caseloads."

Item 5180-141-001—For local assistance, Department of Social Services. I revise Provision 8.

While I believe it is imperative for the Department to continue to work with the counties to develop an appropriate method of measuring county intake and eligibility functions, I have specific concerns with paragraphs (d) and (e) of Provision 8.

I am deleting paragraph (d) because it is inconsistent with the Administration's intent to deal with exceptions through the development of uniform work measurement data. Second, I am deleting paragraph (e) because the involvement of the Service Employees' International Union in the design and implementation of the workload study findings may result in conflicts between county welfare departments and local union organizations in future labor contract negotiations. Nonetheless, county welfare directors have sufficient flexibility to obtain input from labor organizations regarding the design, findings and implementation recommendations of the workload study.

"8. (a) The Department of Social Services and the Department of Health Services, in conjunction with the County Welfare Directors' Association, shall develop a timetable for conducting county work measurement studies of the intake and continuing eligibility work activities in the AFDC, Nonassistance Food Stamps, and Medi-Cal programs The intent of the Legislature is that work measurement studies shall be conducted in time for consideration of the results during the deliberations for the fiscal year 1989–90 budget. The timetable shall set out the steps necessary to:

(1) Group the 40 largest counties into no more than three groups. Counties may be grouped before or after work measurement studies are conducted, and a survey may be used to collect data for grouping counties as the Department of Social Services, the Department of Health Services, and the County Welfare Directors' Association determine necessary.

(2) Identify representative counties for work measurements

(3) Develop the methodology for work measurement, including the projected cost of conducting the studies.

(4) Complete work measurement studies.

(b) The Department of Social Services and the Department of Health Services, in conjunction with the County Welfare Directors' Association, shall report to the Joint Legislative Budget Committee on the timetable developed pursuant to subdivision (a) by February 1, 1988.

(c) By March 1, 1989, the Department of Social Services and the Department of Health Services shall submit a joint report to the Legislature regarding the findings of the work measurement study on a county-specific basis. The report shall include:

(1) An analysis of the fiscal impact on the federal, state, and county governments should the budget process for eligibility worker caseloads be based upon the findings of the work measurement study.

(2) A description of the methodology that would be used to set county targets utilizing the results of the study.

(3) An estimate of the cost of fully implementing the findings of the study taking into account: salary expenditures (direct salary, fringe benefits, and overhead); actual total caseload size or projections; eligibility supervisors; and appropriate isolated supportive eligibility

functions.

(4) Other options for implementing the study findings and the fiscal impacts related to each option.

(5) The alternatives that could be used to address the unique special circumstances which may exist in some counties that would be adversely affected by the transferability of the work measurement data

~~(d) It is the intent of the Legislature that county welfare departments which have unique special circumstances that would adversely affect the transferability of work measurement data shall have those special circumstances considered. Alternatives shall be developed by the departments to address those unique circumstances.~~

~~(e) The Department of Social Services and the Department of Health Services shall consult with the County Welfare Directors' Association and the Service Employees International Union on the design, findings, and implementation recommendations of the study.~~

(f) It is the intent of the Legislature that, for the 1988–89 fiscal year, the Department of Social Services shall utilize the lowest two of the most recent three years for which there is data to set the targets for the AFDC and Food Stamps programs The Department of Social Services shall implement no more than 25 percent of the target change based upon the new methodology in the 1988–89 fiscal year. The targets for the Medi-Cal program shall not be changed in the 1988–89 fiscal year from the level budgeted in the 1987–88 fiscal year."

Item 5180-151-001—For local assistance, Department of Social Services. I delete Provision 18

I recently signed SB 1567, Chapter 1490, Statutes of 1986, that authorized the Department of Social Services to redesign the Emergency Assistance Program to correct both the State and county noncompliance activities which have resulted in federal funding disallowances and deferrals. The Department of Social Services is in the process of implementing these provisions and is assuming that federal funding deferrals will not continue into the 1987–88 fiscal year. However, in the event that Emergency Assistance Program federal funding deferrals do continue into the 1987–88, I feel this language could limit the Administration's ability to examine various alternatives to address such an occurrence.

"18. In the event that the federal government reduces or eliminates Emergency Assistance Program funding because of noncompliance with current federal Emergency Assistance Program requirements, the Director of Finance is authorized to allocate funds in augmentation of funding for Child Welfare Services in the Department of Social Services for the 1987–88 fiscal year. No county shall be held financially liable for any Emergency Assistance costs incurred in fiscal year 1987–88 which are claimed in accordance with state policies and procedures that are in effect in 1987–88 but which are disallowed by the federal government."

Item 5180-181-001—For local assistance, Department of Social Services. I reduce this item from $122,475,000 to $118,692,000 by reducing:

(b) 20-Social Services Program (for transfer to Item 5180-151-001) from $4,527,000 to $744,000

I am deleting the $3,783,000 legislative augmentation to provide a one percent discretionary cost-of-living adjustment to the In-Home Supportive Services, Access Assistance for the Deaf, Maternity Care and Child Abuse Prevention programs. I believe the critical growth needs in this area have been addressed by increasing 1987–88 funding in the In-Home Supportive Services program by 38.8 percent and in the Child Welfare Services program by 18.6 percent.

Item 5240-001-001—For support of Department of Corrections. I reduce this item from $1,267,602,000 to $1,267,392,000 by reducing:

(a) 21-Institution Program from $1,234,320,000 to $1,234,110,000,

and by deleting Provision 8

I am deleting the legislative augmentation of $160,000 for the Friends Outside

organization. I recognize the valuable services this organization provides to inmates and their families. However, the budget includes $479,000 for this organization, an increase of $150,000 over 1986–87, which will permit expansion of these services to institutions which are not now served.

I am reducing the augmentation for the M-2 Sponsors program by $50,000. I am approving the remaining $50,000 augmentation, together with the $827,000 continued in the budget for this purpose. This will be adequate to extend the M-2 Sponsors program to all institutions.

I am deleting Provision 8 because it inappropriately restricts the Department's use of funds authorized for inmate education and training The Department should have the opportunity to evaluate the recently completed pilot project with the Vital Issues company without the requirement to contract for ongoing inmate counseling services with a specific vendor.

"8. Of the amount appropriated in category (a), $200,000 is provided to continue the Personal Development and Life Management Training programs operated by Vital Issues."

In addition to these actions, I have reduced other General Fund areas of the budget by $38 million. I am setting these funds aside to pay for the deficiencies in the Department of Corrections' budget, which will result from the actions of the Legislative Budget Conference Committee.

Item 5240-011-001—For support, Community Return-to-Custody Facilities with Per Capita Costs of $17,000 or less, Department of Corrections, Program 31. I revise this item and delete Provision 1.

I am revising the language in this item because it inappropriately and unreasonably restricts the Department's efforts to obtain community-based housing facilities for minimum security inmates as alternatives to further prison overcrowding.

"5240-011-001—For support, Community Return-to-Custody Facilities ~~with Per Capita Costs of $17,000 or less~~, Department of Corrections, Program 31 ..... 3,000,000".

I am deleting Provision 1 to conform with this action.

"1. If the average per capita costs of community return-to-custody facilities funded in Item 5240-001-001 is equal to or less than $17,000 (including Department of Corrections staff), funds provided in this item may be used to support additional community return-to-custody facilities at a per capita cost of $17,000 or less If the average per capita costs exceed $17,000, funds provided in this item may instead be used to support replacement overcrowding beds in existing prison facilities at an average per capita rate of $10,400."

Item 5240-301-746—For capital outlay, Department of Corrections I delete Provisions 3 and 6.

I am deleting Provision 3 because this provision would limit flexibility and could increase costs by requiring the Department to renovate San Quentin's Neumiller Hospital to meet acute care licensing standards if a court agreement is not reached by October 1, 1987, even though the final court settlement may not require an acute care facility.

"3. Unless the Marin v. Rushen settlement agreement is modified and approved by the court by October 1, 1987, so that Neumiller Hospital is not required to operate as an acute care hospital, then all funds appropriated under Item 5240-301-746 or reappropriated under Item 5240-491 for Neumiller Hospital shall be used to prepare preliminary plans and working drawings for an acute care hospital at San Quentin."

I am deleting Provision 6 because funds for preliminary plan preparation for the projects to remodel the hospitals at California Institution for Men, California Medical Facility and California Men's Colony have already been transferred to the Office of the State Architect and to make a change at this time could delay the project and increase the costs.

"6. Notwithstanding any other provision of law, the department may contract for development of preliminary plans/working drawings and for construction that is directly related to hospital remodeling required to meet licensing

standards at the California Institution for Men (Chino), the California Medical Facility (Vacaville), and the California Men's Colony (San Luis Obispo)."

Item 5440-011-001—For Expansion of the Inmate Work/Training Incentive Program to All Parole Violators, Board of Prison Terms.

I revise this item and delete Provision 1.

I am revising the language in this item and deleting Provision 1 because the legislative restrictions on this item are an inappropriate intrusion on the statutory authority of the Board of Prison Terms to determine the reconfinement terms to be served by parole violators.

"5440-011-001—For ~~Expansion of the Inmate Work/Training Incentive Program to All Parole Violators,~~ Board of Prison Terms ..... 850,000"

"1. The amount appropriated in this item shall be available to support the Board of Prison Terms if the board adopts a policy to allow technical parole violators to earn work credits during the budget year in the same manner and to the same extent that inmates earn credits under the existing Inmate Work/Training Incentive program. The board may exempt a limited number of technical parole violators from this policy who are charged with violent criminal conduct while on parole."

Item 5450-001-001—For support of Youthful Offender Parole Board, Program 10 I delete Provision 1.

I am deleting Provision 1 because it contains restrictive control language which is inappropriate and unnecessary. I believe the existing procedures of the Office of Administrative Law provide sufficient review for such regulation changes.

"1. Notwithstanding any other provision of law, the Youthful Offender Parole Board shall not administratively adopt, amend, or repeal any regulation, including any emergency regulation, relating to parole consideration dates for wards of the Department of the Youth Authority, which would result in a net increase in cost to the department Any such parole consideration date changes may be considered only as statutory proposals subject to review and approval by the Legislature "

Item 5460-001-001—For support of Department of the Youth Authority. I reduce this item from $262,274,000 to $261,680,000 by reducing:

(b) 20-Institutions and Camps from $246,701,200 to $246,440,200, and

(c) 30-Parole Services from $27,121,900 to $26,788,900.

I am deleting the legislative augmentation of $235,000 and 2.8 personnel years for a gang violence reduction program for the Boyle Heights area in Northeast Los Angeles. While I am supportive of efforts to reduce gang violence, a project for this specific area has not been justified on a priority basis. My budget includes $349,000 for gang violence reduction, which will continue to serve a more critical area in East Los Angeles.

I am reducing 9.5 personnel years and $98,000 of a $580,000 Legislative augmentation for additional bed savings alternatives related to Re-Entry Furlough and Disciplinary Work Crews. The budget already contains $1.6 million for bed savings alternatives designed to avoid the need for up to 294 institution beds. Additionally, the bed savings attributed to the Re-Entry Furlough effort are marginal and the savings for the Disciplinary Work Crews may materialize without the need for any augmentation. This reduction will leave a net amount of $482,000 and 12.6 personnel years to restore the Legislature's unallocated reduction of $482,000 and related personnel years; thereby, avoiding a potential 1987–88 deficiency.

I am also reducing this item by $261,000 to eliminate the Legislative augmentation for the provision of mental health services to the Youth Authority wards by the Department of Mental Health. The budget provides $3,748,000, which is sufficient to meet the current needs of the Department's wards and provide a slight increase in the level of services on a priority basis.

Item 5770-001-001—For support of the Robert Presley Corrections Research and Training Institute. I delete this item.

Chapter 1288, Statutes of 1986, appropriated $150,000 for Institute start-up purposes

and only minor costs have been incurred to date. The carryover funds of this appropriation should be sufficient to provide funding for the 1987–88 fiscal year on a priority basis

Item 6100-001-001—For support of Department of Education. I reduce this item from $38,551,000 to $37,135,000 by reducing

(a) 10-Instruction from $29,220,000 to $29,103,000,

(b) 20-Instructional Support from $29,577,000 to $23,397,000,

(d) 41.00-Executive Management and Special Services from $8,085,000 to $6,842,000,

(h) Amount payable from Federal Trust Fund (Item 6100-001-890) from −$38,174,000 to −$32,050,000,

and deleting Provisions 10, 11, 12, 13, 14 and 15.

I am reducing this item by $38,000 from the General Fund because additional unrestricted Federal Chapter II grant funds in this amount are now available for the support of the Department of Education. This action will not affect the total support funding I have proposed for the Department of Education

I am deleting the $25,000 augmentation to fund a pilot bilingual teacher training program I have provided $50,000 in Item 6100-191-001 for a Department of Education study to assess existing State and local bilingual teacher training programs and to develop alternative training methods This study is to be completed by December 1, 1987. It is premature to fund a new training program before the department completes the ongoing study.

The Legislature added language which directed the study of the State Compensatory Education Program, the Miller-Unruh Reading Program, and the Native American Indian Education Program. Presumably, such a study would reinforce the concept of maintaining these programs as individual entities rather than providing districts with a source of funds that they could use to address their highest priorities, such as smaller class sizes. I am pursuing legislation which would give such flexibility to school districts Furthermore, I do not believe that a redirection of funding for an evaluation of Specialized Secondary Programs is warranted at this time During 1986, the State Department of Education published two evaluation reports on these programs Redirecting funds available for start-up of new programs to conduct yet another study should not be a priority for the 1987–88 fiscal year

I am deleting Provisions 10, 11, 12, 13, 14 and 15 to conform with this action.

"10. Of the funds transferred from Item 6100-121-001, an amount not to exceed $250,000 shall be available only for the State Department of Education to contract for an independent study of the Economic Impact Aid/State Compensatory Education program. The State Department of Education may use up to $12,500 of the funds allocated for the purposes of this contract for necessary administrative costs

11 Of the funds transferred from Item 6100-117-001, an amount not to exceed $100,000 shall be available only for the State Department of Education to contract for an independent study of the Miller-Unruh Reading program. The State Department of Education may use up to $5,000 of the funds allocated for the purposes of this contract for necessary administrative costs.

12. Of the funds transferred from Item 6100-117-001, an amount not to exceed $30,000 shall be available only for the State Department of Education to conduct an evaluation of the Native American Indian Early Childhood Education program.

13. Of the funds transferred from category (b) of Item 6100-119-001, an amount not to exceed $50,000 shall be available only for the State Department of Education to conduct an evaluation of Specialized Secondary Schools.

14. The following provision applies to the evaluations required to be conducted by provisions 12 and 13.

The State Department of Education shall establish an advisory committee which shall: (1) assist the department in developing a proposed workplan, and (2) advise the department during all phases of the study. The advisory committee shall be composed of representatives from all of the following: the educational policy and fiscal committees of the Assembly and the Senate; the

Office of the Legislative Analyst; the Department of Finance; and the State Department of Education A majority of the advisory committee members shall consist of representatives from the educational policy and fiscal committees of the Assembly and the Senate and the Office of the Legislative Analyst.

15. The following provisions apply to the studies specified in provisions 10 and 11.

Notwithstanding Section 1213 of the State Administrative Manual or any other provision of law, the State Department of Education shall convene an advisory committee to develop the Request for Proposals (RFP) and to evaluate the proposals submitted. The advisory committee shall be composed of representatives from the education policy and fiscal committees of the Assembly and the Senate; the Office of the Legislative Analyst; the Department of Finance; and the State Department of Education. A majority of the advisory committee members shall consist of representatives of the Assembly and the Senate and the Office of the Legislative Analyst.

Notwithstanding Section 1213 of the State Administrative Manual or any other provision of law, cost shall not be considered in evaluating proposals, instead, the State Department of Education shall select, from among the proposals submitted, the proposal which displays the most technical merit within the amount of funds specified. Nothing in this provision shall be construed to prevent utilization of the preference points which may be allowed for certain categories of contractors, as specified in the State Administrative Manual (commencing with Section 1200) The final decision regarding selection of a contractor shall rest solely with the State Department of Education."

Since the submission of my budget in January several activities budgeted for 1987–88 have been completed On that basis, I am making the following baseline budget reductions:

I am making a reduction of $117,000 and 1 4 positions by deleting the Driver Training Unit because continued program staff support for driver training is unnecessary. The current activities of the staff assigned to this unit include completion of rules and regulations required by statute and assisting districts in establishing driver training for the first time. Essentially, all districts operate driver training and the regulations are almost final. Any remaining work that may be necessary on rules and regulations can be completed by the legal staff. To the extent that field reviews of the program become desirable, they can be accomplished by the Compliance Division field audit staff of the department.

I am making a reduction of $273,000 by reducing funds budgeted for the acquisition of personal computers. In March 1987, the Department of Education advanced the timeline for personal computer purchases authorized in its Information Management Annual Plan so that the target of 450 machines has now been reached. Therefore, these funds will not be needed for such purchases in 1987–88

I am reducing $191,000 and 3 positions for support of the Dropout Prevention Program. Six positions were provided to the department in 1986–87 to develop and implement the program. Because of my veto of $7,500,000 in Item 6100-120-001 for expansion of this program, the development and implementation activities have been completed. Therefore 3 of the positions no longer are necessary. I am retaining $244,000 and 3 positions to provide technical assistance and ongoing monitoring and evaluation of the program.

I am reducing this item by $158,000 budgeted for one-time automation projects, for which funding was provided in 1985–86. Because the department has completed the projects, these funds no longer are needed.

I am also making a reduction of $614,000 and 15 positions by deleting the Regional Services Division. The Regional Services Division was created in my 1984–85 budget to act as a clearinghouse for questions from school districts about implementation of SB 813 reforms and to foster the creation of networks among the districts to support the SB 813 reforms. The Superintendent of Public Instruction has redirected the positions that were budgeted for this division for 1987–88 despite the submittal by the

Department of Education of a staffing plan calling for the continuation of the division. Although implementation of SB 813 is essentially complete and the responsibilities of the division no longer exist, the Superintendent is required by law to submit a reorganization plan to the Department of Finance prior to redirecting positions to other activities. To date, the Department of Finance has not seen such a reorganization plan, and no workload data have been submitted to justify continuation of these positions.

Item 6100-001-344—For support of Department of Education. I reduce this item from $1,250,000 to $1,070,000 and delete Provision 2.

I am reducing the legislative augmentation of $160,000 and two positions in the School Facilities Planning Unit to $80,000 and one position based on workload needs. The Department of Finance, in its review of this budget, found no justification for the addition of a supervisory position in this Unit.

I am also making a reduction of $100,000 in consulting services because the unit will now be authorized a total of 14.5 personnel years of in-house staffing. The position added by the budget subcommittees will allow the Department to provide the necessary field assistance to school districts, thereby eliminating the need for the external contract funding I proposed in January

I am deleting Provision 2 to conform to this action.

"2 Of the funds appropriated in this item, up to $100,000 may be used for consultant and professional services to assist the Department in reviewing and approving school sites and school plans."

Item 6100-001-890—For the support of Department of Education. I reduce this item from $38,174,000 to $32,050,000.

Consistent with my action in Item 6100-001-001, I am making a budget reduction of $587,000 by deleting the Regional Services Division. The positions budgeted for this division in January have since been redirected and no workload justification exists for continuing the positions Item 6100-001-001 has been adjusted to conform to this action.

Consistent with my action in Item 6100-001-001, I am making a budget reduction of $268,000 in federal funding by reducing funds budgeted for the acquisition of personal computers. The Department of Education has now purchased the total number of personal computers planned for the department and funding for this purpose in 1987–88 is no longer needed Item 6100-001-001 has been adjusted to conform to this action.

I am concerned that an excessive amount of Federal Economic and Improvement Act funding (ECIA Chapter II), which is intended to meet the needs of local education agencies, is being used for the administration of the Department of Education. It is my desire that the maximum amount of such funding be allocated for the use of, and at the discretion of, our school districts. The Superintendent has allocated 17.4 percent of the total Chapter II grant to departmental administration for 1987–88, while local education agencies must hold administrative costs, by State law, to 15 percent of State categorical aid funds. To limit the administrative expenses associated with the Chapter II grant to no more than 15 percent, I am making a budget reduction of $1,000,000 in federal departmental support funding. These funds should be allocated to local school districts

I am also making budget reductions of $100,000 in out-of-state travel and $3,369,000 in consultant and professional services to reflect the historical spending patterns of the department. I believe that the remaining authorizations of $138,000 and $8,410,000, respectively, provide sufficient allotments to carry out the planned tasks for the 1987–88 fiscal year.

I am also reducing the in-state travel authorization for the Department of Education by $800,000 The remaining allotment of $2,704,000 provides a more reasonable level of funding as compared to the allotments provided in my budget for departments of a similar size

It is my desire that the funding released by these actions be made available to local education agencies for their high priority needs, within the constraints of the federal grants.

Item 6100-101-001—For local assistance, Department of Education. I delete Provisions 11 and 12.5.

Provision 11 would authorize the Superintendent of Public Instruction, with the approval of the Director of Finance, to transfer funds between the K–12 district revenue limit budget and the county office of education budget in the event of a deficiency in either item In addition, the provision would require the Superintendent to apply the same deficit factor to the two budgets so that entitlements could be reduced in line with any deficiencies.

I am deleting this language because the normal budgetary process provides the full opportunity to review any deficits in the K–12 budget. There is no valid reason for circumventing this normal budgetary process and authorizing the Superintendent to treat the two budgets as essentially one item when a deficiency exists.

"11. In the event of a deficiency in the appropriation made in Schedule (a) of this item, or in Item 6100-106-001, the Superintendent of Public Instruction may transfer funds between this item and Item 6100-106-001 with the approval of the Director of Finance The superintendent shall adjust the apportionments made from funds appropriated for the purposes specified in Schedule (a) of this item and in Item 6100-106-001 so that the deficit factor applied to the funding entitlements is the same for each of the programs funded by such appropriations."

Provision 12 5 would guarantee school districts 1987–88 funding equivalent to the greater of either their 1986–87 Base Revenue Limit or 1986–87 unrestricted local general fund income I am deleting this provision because it attempts to restrict the Governor's constitutional powers of line item veto by requiring that programs such as Urban Impact Aid and Meade Act be fully funded in 1987–88 In addition, the Legislature's failure to fund the impact of this language and my vetoes of legislative augmentations for both Urban Impact Aid and Meade Aid in Item 6100-117-001, could result in a $115.8 million deficiency. This deficiency inappropriately would result in reduced apportionments to *all* school districts so that those districts which benefit from the Urban Impact and Meade Aid programs can continue to be funded at their current year levels

"12.5. Of the funds appropriated in Schedule (a), the Superintendent of Public Instruction shall allocate an amount pursuant to this provision by making the following computations for each school district:

(a) For the 1986–87 fiscal year, the amount computed pursuant to subdivision (c) or (d), as appropriate, of Section 42238 of the Education Code, utilizing the inflation adjustment prescribed by Provision 2 of Item 6100-226-001 of the Budget Act of 1986, plus the amount computed pursuant to subdivision (f) of Section 42238 of the Education Code, plus the amount computed pursuant to Provision 20 of Item 6100-101-001 of the Budget Act of 1986, plus the amount provided pursuant to Section 42238 8 of the Education Code

(b) For the 1986–87 fiscal year, the sum of the following, per unit of ADA as computed pursuant to Section 42238.5 of the Education Code for the 1986–87 fiscal year. (1) the amount of total allocation entitlements that can be applied by the district as unrestricted local general fund income, including base revenue limits but excluding (A) amounts received for purposes of Sections 8153, 42238.10, 42239, 42243 7, and Article 10 5 (commencing with Section 49550) of Chapter 9 of Part 27 and (B) any adjustments made to revenue limits as the result of changes in the employer contribution rate to the Public Employees' Retirement System; and (2) the amount subtracted from the apportionment of state funds pursuant to subdivision (h) of Section 42238 of the Education Code for the 1986–87 fiscal year

(c) For the 1987–88 fiscal year, the amount computed pursuant to subdivision (c) or (d), as appropriate, of Section 42238 of the Education Code utilizing the inflation adjustment received by the district for purposes of paragraph (1) of subdivision (b) of Section 42238 of the Education Code plus the amount computed pursuant to subdivision (f) of Section 42238 of the Education Code

(d) For the 1987–88 fiscal year, the amount of total unrestricted local general fund income received by the district, per unit of ADA as

computed pursuant to Section 42238.5 of the Education Code the amount of total unrestricted general fund income shall be adjusted as follows:

(1) By excluding (a) amounts received for purposes of Sections 8153, 42238.10, 42239, 42243.7 and Article 10.5 (commencing with Section 49550) of Chapter 9 of Part 27 and (b), any adjustments made to revenue limits as the result of changes in the employer contribution rate to the Public Employees' Retirement System;

(2) By adding the amount subtracted from the apportionment of state funds to the district pursuant to subdivision (h) of Section 42238 of the Education Code for the 1987–88 fiscal year; and

(3) By excluding the cost-of-living adjustments received by the district as unrestricted general fund income in 1987–88.

(e) Subtract the amount determined in subdivision (c) of this Provision from the amount determined in subdivision (a) of this Provision.

(f) Subtract the amount determined in subdivision (d) of this Provision from the amount determined in subdivision (b) of this Provision, and multiply the result by the total ADA computed pursuant to Section 42238.5 of the Education Code for the 1987–88 fiscal year

(g) If either of the amounts determined in subdivision (e) or (f) of this Provision is greater than zero, the Superintendent of Public Instruction shall add the greater of these amounts to the amount computed pursuant to Section 42238 of the Education Code for the 1987–88 fiscal year "

Item 6100-106-001—For local assistance, Department of Education. I delete Provision 3.5.

Provision 3 5 would authorize the Superintendent of Public Instruction, with the approval of the Director of Finance, to transfer funds between the county office of education budget and the K–12 district revenue limit budget in the event of a deficiency in either item. In addition, the provision would require the Superintendent to apply the same deficit factor to the two budgets so that entitlements could be reduced in line with any deficiencies.

I am deleting this language because the normal budgetary process provides the full opportunity to review any deficits in the K–12 budget. There is no valid reason for circumventing this normal budgetary process and authorizing the Superintendent to treat the two budgets as essentially one item when a deficiency exists.

"3.5. In the event of a deficiency in the appropriation made in Schedule (a) of Item 6100-101-001, or in this item, the Superintendent of Public Instruction may transfer funds between Item 6100-101-001 and this item with the approval of the Director of Finance The superintendent shall adjust the apportionments made from funds appropriated for the purposes specified in Schedule (a) of Item 6100-101-001 and in this item, so that the deficit factor applied to the funding entitlements is the same for each of the programs funded by these appropriations."

Item 6100-117-001—For local assistance, Department of Education I reduce this item from $238,990,000 to $152,355,000, revise Provision 1, and delete Provisions 3 and 4

I am reducing this item by $86,635,000 to eliminate the augmentation for the Urban Impact Aid and Meade Aid Programs. I do not believe that there is a sufficient analytical basis for continuing these programs in the 1987–88 fiscal year. The data on which these programs are funded is over 10 years old and available data have not confirmed that those districts eligible for these funds have higher educational costs than those districts which are not eligible. I am revising Provision 1 to conform to this action.

"1. Funds appropriated by this item are in lieu of the amounts that otherwise would be provided for purposes of the Economic Impact Aid Program—State Compensatory Education pursuant to Chapter 1 (commencing with Section 54000) of Part 29 of the Education Code, the Gifted and Talented Program pursuant to Chapter 8 (commencing with Section 52200) of Part 28 of the

Education Code, the Miller-Unruh Reading Program pursuant to Chapter 2 (commencing with Section 54100) of Part 29 of the Education Code, the Native American Indian Education Program pursuant to Chapter 6.5 (commencing with Section 52063) of Part 28 of the Education Code, ~~the Urban Impact Aid and Meade Aid programs pursuant to Chapter 1.5 (commencing with Section 54060) of Part 29 of the Education Code,~~ and Small School District Transportation Aid pursuant to Sections 42240 and 42240.1 of the Education Code, and shall be allocated to each of these programs in proportion to the total amounts appropriated for each program in the 1985–86 fiscal year, increased by the cost-of-living adjustments provided for each program in the 1986–87 fiscal year. For purposes of this section, the amount appropriated for the Economic Impact Aid Program—State Compensatory Education program in the 1985–86 fiscal year shall be deemed to be $89,896,000. Funds appropriated in this item for Economic Impact Aid are in augmentation of the amount provided in Item 6100-121-001. All other funds appropriated in this item shall be allocated in proportion to the allowances received by school districts for each of these programs in the 1985–86 fiscal year, increased by the cost-of-living adjustment provided for each program in the 1986–87 fiscal year, except that in the event that the eligibility of any school district to receive funds pursuant to any program has been reduced below the level provided in 1985–86, or in the event that a district has terminated its participation in any program, these funds shall be reallocated within that program pursuant to the provisions of current law."

I am deleting Provisions 3 and 4 because they would require the Department to contract for a study of the Miller-Unruh Reading Program and conduct a study of the Native American Indian Education Program Conducting studies of these individual programs would reinforce the concept of maintaining the programs as individual entities rather than providing districts with a source of funds that they could use to address their highest priorities, such as reducing class sizes I am pursuing legislation that would give such flexibility to school districts

"3. Of the amount appropriated in this item, an amount not to exceed $100,000 shall be for transfer to Item 6100-001-001 for the State Department of Education to contract for an independent study of the Miller-Unruh Reading Program

4. Of the amount appropriated in this item, an amount not to exceed $30,000 shall be for transfer to Item 6100-001-001 for the State Department of Education to conduct an evaluation of the Native American Indian Education Program "

Item 6100-118-001—For local assistance, Department of Education.

I am retaining the $50,000 legislative augmentation for the California Association of Student Councils to continue the current program level because I support the activities of such student organizations. However, I believe that any subsequent growth in this program should be funded by private sources and not be an obligation of the State

Item 6100-119-001—For local assistance, Department of Education. I delete Provision 3.

I am deleting Provision 3 because I do not believe that a redirection of funding for an evaluation of Specialized Secondary Programs is warranted at this time. During 1986, the State Department of Education published two evaluation reports on these programs. Redirecting funds available for start-up of new programs to conduct yet another study should not be a priority for the 1987–88 fiscal year.

"3. Of the funds appropriated in category (b) of this item, an amount not to exceed $50,000 shall be for transfer to Item 6100-001-001 and utilized by the State Department of Education to conduct an evaluation of specialized secondary schools "

Item 6100-120-001—For local assistance, Department of Education. I reduce this item from $19,750,000 to $12,250,000, and revise Provisions 1, 2 and 5.

I am reducing this item by $5 million to delete the augmentation for expansion of dropout prevention programs established pursuant to Chapter 1431, Statutes of 1985.

Since these programs became operational only this year and their effectiveness is not yet known, I do not believe that expansion is warranted. Furthermore, because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes, I am further reducing this item by $2,500,000. After this veto, there will still be $10 million included for 1987–88 to fund outreach consultants for dropout prevention and recovery programs in 200 schools and 50 districts at the levels provided in 1986–87.

I am revising Provisions 1, 2 and 5 to conform to this action.

"1. Of the amount appropriated in this item, ~~$13,984,000~~ *$8,000,000* shall be available for the funding of outreach consultants by up to ~~350~~ *200* schools with motivation and maintenance program plans developed in accordance with Chapter 1431, Statutes of 1985.

2. Of the amount appropriated in this item, ~~3,496,000~~ *$2,000,000* shall be available for the funding of outreach consultants by up to ~~87~~ *50* school districts with dropout recovery program plans developed in accordance with Chapter 1431, Statutes of 1985.

5. Of the amount appropriated in this item, ~~$370,000~~ *$350,000* shall be available for grants to be awarded by the Superintendent of Public Instruction to schools for the purpose of implementing dropout prevention programs based upon model programs approved for use by the Department of Education."

Item 6100-121-001—For local assistance, Department of Education. I delete Provisions 2 and 3.

Provision 2 would require the Department of Education to contract for a study of the Economic Impact Aid—State Compensatory Education Program Conducting a study of this program would reinforce the concept of maintaining this program as a separate entity rather than providing districts with a source of funds that they may use to address their highest educational priorities such as reducing class size I am pursuing legislation which would give such flexibility to school districts Therefore, I am deleting Provision 2.

"2. Of the amount appropriated in this item, an amount not to exceed $250,000 shall be for transfer to Item 6100-001-001 and utilization by the State Department of Education to contract for an independent study of the Economic Impact Aid/State Compensatory Education Program."

I am deleting Provision 3 because this provision would extend the sunset date for the bilingual education program and would represent a substantive change to current law. Extension of the sunset date should be addressed through separate legislation.

"3. Notwithstanding Section 62000 of the Education Code, as a condition of receiving funds appropriated in this item or in Item 6100-117-001, local education agencies shall comply with Chapter 7 (commencing with Section 52130) of Part 28 of the Education Code as those provisions were operative prior to June 30, 1987."

Item 6100-156-001—For local assistance, Department of Education. I revise Provision 4.

My 1987–88 budget proposal included an additional $6 million for K–12 school districts to fund more classes for adults in English-as-a-second language (ESL) By requiring $1 million of this augmentation to be reallocated to community colleges, K–12 programs would receive less than the estimated need In addition, this budget includes $200,000 specifically for additional ESL classes at community colleges and $58.1 million to fund regular community college ADA growth and growth in basic skills areas, which includes ESL instruction.

"4. Notwithstanding any other provision of law to the contrary, $6,000,000 of the funds appropriated in this item are for allocation to school districts in the 1987–88 fiscal year for the purposes of funding extraordinary needs in adult education programs in English as a second language provided under subdivision (c) of Section 41976 of the Education Code

(a) 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.

(b) The Superintendent of Public Instruction shall identify districts having extraordinary needs as those having the highest concentration of limited-English-proficient students in grades K–12 recorded by the annual census of pupils of limited-English proficiency pursuant to Section 52164. The Superintendent of Public Instruction shall allocate the funds to applicant districts on the basis of the proportionate share of the total count of pupils of limited-English proficiency in all participating districts.

~~(c) Of the funds allocated in this provision, $1,000,000 shall be transferred by the Superintendent of Public Instruction to Item 6870/101/001 for the purpose of funding extraordinary needs in adult education programs in English as a second language provided by community colleges. As a condition of receiving funds allocated in this provision, community college districts shall certify to the Chancellor of the California Community Colleges that levels of annual average daily attendance in the 1987/88 fiscal year in English as a second language programs which are used to compute entitlements shall be maintained at or above levels funded in either the 1985/86 or the 1986/87 fiscal year, whichever levels are higher.~~

~~The Chancellor shall reduce funding by the corresponding amount to any district receiving funds under this provision which fails to generate certified levels of average daily attendance.~~"

Item 6100-156-890—For local assistance, Department of Education. I delete Provision 1.

I have convened a special task force, led by the Secretary of the Health and Welfare Agency, to prepare a service and expenditure plan for federal funds received to implement the Immigration Reform and Control Act (IRCA) of 1986. This plan will be developed with the input of the Superintendent of Public Instruction and the Legislature and will allocate federal funds to public and private agencies providing educational services to eligible immigrants. Control Section 14 further provides that the Director of Finance may authorize expenditure of these funds upon specified notification of the Legislature. Provision 1 in this item, therefore, is unnecessary and contrary to the established process for the program as a whole.

"1. From federal funds provided pursuant to the Immigration Reform and Control Act of 1986, the Superintendent of Public Instruction shall allocate funds, pursuant to the applicable provisions of federal law, to local education agencies, the Chancellor of the California Community Colleges, and other public or private organizations eligible to receive these funds, for the purpose of providing appropriate educational services to immigrants newly legalized under the provisions of that act."

Item 6100-161-001—For local assistance, Department of Education. I reduce this item from $1,026,892,000 to $1,022,492,000.

As a result of my action to reduce the amount of federal discretionary funds in Item 6100-161-890, an additional $7 million of federal funds will be allocated to school districts for special education local entitlements. Under the statutory formula for funding special education, the amount of the General Fund appropriation in Item 6100-161-001 should be reduced by $7 million. However, I am reducing this item by only $4,400,000 because the Legislature did not fully fund the special education program as I had proposed doing. With my action on this item and Item 6100-161-890, the statutory special education entitlements will be fully funded in 1987–88. In addition, this budget provides an increase of $66 million for special education program enhancements. Altogether, local assistance entitlements for the special education program will increase by 5 5 percent in 1987–88.

Item 6100-161-890—For local assistance, Department of Education. I reduce this item from $140,157,000 to $133,157,000 by reducing:

(b) 10.60.050.020-PL 94-142, direct and indirect instructional services approved in the State Plan, from $13,381,000 to $6,381,000,

and by deleting Provisions 2, 5, and 7.

I am reducing this item by $7 million in discretionary projects in order to allow these federal funds to be used for local entitlements, which offset General Fund needs. This

action is necessary because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes. These funds should be allocated to school districts for special education local entitlements.

I am deleting Provisions 2 and 5 to conform to this action.

"2. $1,561,000 of the funds appropriated in this item for direct and indirect instructional services shall be used only to fund licensed children's institutions growth units.

5. Of the funds appropriated in this item for direct and indirect instructional services, an amount not to exceed $380,000 shall be allocated to the Timpany Center in Santa Clara County, provided that $2 from this item shall be allocated for each $1 provided from local sources, and that the center certify that the funds provided from this item are used to provide services only to youth through age 21."

I am deleting Provision 7 because this provision inappropriately restricts implementation of the new federal preschool grant program for handicapped children to the enactment of AB 2666. I believe that implementation of the program should be based upon enactment of legislation generally, not specifically.

"7. The funds appropriated in category (c) shall not be expended unless and until Assembly Bill No. 2666 of the 1987–88 Regular Session is chaptered"

Item 6100-181-001—For local assistance, Department of Education. I reduce this item from $26,155,000 to $13,055,000.

Because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes, I am reducing funding for the Educational Technology Program by $13,100,000

Even with this reduction, the General Fund appropriation for Educational Technology will be $13,055,000 I believe this will allow the program to continue its effort to introduce computer technology to unserved school districts and to continue the dissemination of curriculum through the Institute for Computer Technology.

Item 6100-191-001—For local assistance, Department of Education I reduce this item from $88,522,000 to $56,241,000 by reducing·

(d) 20.60.060.002-Teacher Instructional Improvement Grants, from $16,000,000 to $50,000,

by deleting

(c) 20.60.060.001-School Personnel Staff Development ($3,645,000),

(f) 20.60.090-Teacher Education and Computer Centers ($12,586,000), and

(k) 20.60.150—Regional Science Resource Centers (100,000),

and by revising Provision 5 and deleting Provision 11.

I am deleting $100,000 for the Regional Science Resource Center program (Exploratorium Museum) While I believe that the museum provides a worthwhile service to the local community, I also believe that the program should be supported by those districts which benefit from the service.

In addition, I am deleting funding for Teacher Instructional Improvement Grants More than $68 million has been appropriated over the past four years for this program. I have asked the Department of Finance to review this program for its effectiveness in improving the quality of instruction in the classroom. Before additional funds are provided for the program, its effectiveness must be clearly demonstrated. I have retained $50,000 in this item to conduct a study on bilingual teacher training programs, consistent with my proposed budget.

I am also deleting funding for the School Personnel Staff Development and Teacher Education and Computer Centers programs because of the need for funds in higher priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes Consideration of funding in the future for this program will be based on the CPEC staff development study scheduled for completion in December 1987.

I am revising Provision 5 and deleting Provision 11 to conform to these actions

"5 Notwithstanding any other provision of law to the contrary, of the amount appropriated in subschedule (d) of this item, $50,000 shall be used to study the cost-effectiveness and characteristics of the different types of state and

school district bilingual teacher training programs and, based on the findings, to develop alternative strategies for training teachers on bilingual waiver. The superintendent shall submit the report to the Legislature on or before December 1, 1988. ~~The amount remaining shall be the maximum amount allocated for the purposes of Chapter 3.3 (Classroom Teacher Instructional Improvement Program (commencing with Section 11700) of Part 25 of the Education Code.~~

"11. The amount appropriated in Schedule (k) shall be available for a grant to the Exploratorium in San Francisco for exhibit-based teacher training."

Item 6100-211-001—For local assistance, Department of Education, California State Library, Program 50.20-Statewide Library Support and Development. I reduce this item from $12,708,000 to $12,108,000.

I am reducing the legislative augmentation of $1,100,000 for the California Literacy Campaign by $600,000. I am, however, retaining $500,000 of the augmentation so that, when combined with existing resources, 14 new Literacy Programs may be created during 1987-88.

I believe that this program provides a needed stimulus for the creation and maintenance of literacy projects by our local libraries. However, I believe that too rapid an expansion of this program may result in a loss of continuity in the provision of services because of local funding constraints.

Even with this reduction, the General Fund appropriation for the California Literacy Campaign will be $4,535,000, an increase of 12.4 percent above the 1986-87 level.

Item 6100-226-001—For local assistance, Department of Education. I reduce this item from $391,143,000 to $373,466,000 by deleting.

(2.5) 10.10.001.003—Instruction-School apportionments, revenue limits, district transportation ($201,000),

(3.3) 10.10.001.005—Instruction-School apportionments, revenue limits, apprentice programs ($69,000),

(3.5) 10.10.004—Instruction-School apportionments, ROC/P ($2,121,000),

(4.3) 10.10.006—Instruction—School Apportionments, transportation ($2,900,000),

(4.5) 10.10.008—Bus replacement ($32,000),

(7.2) 10.30.040—Other compensatory programs—demonstration program in reading and mathematics ($44,000),

(7.4) 10.30.050—Instruction—American Indian Education Centers ($9,000),

(7.6) 10.30.051—Native American Indian Education ($4,000),

(7.8) 10.30.070—Instruction—Economic Impact Aid ($1,970,000),

(dd) 20.10—Educational Technology and Instructional Support:

(1) 20.10.025—Educational Technology ($262,000),

(2) 20.10.035—Instructional Support—Miller-Unruh ($199,000),

(2) 20.20.020.002—Instructional materials for grades 9 through 12 ($224,000),

(f) 20.40—Instructional Support:

(1) 20.40.060—Instructional Support—foster youth ($8,000),

(2) 20.40.090—Specialized Secondary programs ($21,000),

(g) 20.60—Staff Development and Counseling.

(1) 20.60.010.001—Staff development—administrative training and evaluation ($42,000),

(2) 20.60.020.002—Tenth-grade counseling program ($76,000),

(2) 20.60.030.002—School Improvement—grades 7 through 12 ($325,000),

(3) 20.60.060.001—Staff development—school personnel ($36,000),

(4) 20.60.070—Staff development-bilingual teacher training ($8,000),

(5) 20.60.090—Staff development-teacher education and computer centers ($126,000),

(6) International studies centers ($5,000),

(i) 30.10—Miscellaneous Programs:

(1) 30.10.010—Special programs—preschool education ($910,000),

(2) 30.10.020.001—General child development programs ($5,098,000),

(3) 30.10.020.002—Campus children's centers ($158,000),

(4) 30.10.020.003—High-school age parenting and infant development ($169,000),

(5) 30.10 020.004—Migrant day care ($168,000),
(6) 30.10.020.005—Special allowances for rent ($11,000),
(7) 30.10 020.006—Special allowances for handicapped ($18,000),
(8) 30.10.020.007—Alternative payment program ($815,000),
(9) 30.10.020.008—Resource and referral ($186,000),
(10) 30.10.020.009—Campus child care tax bailout ($102,000),
(11) 30.10.020.010—Protective services ($26,000),
(12) 30.10.020.015—Extended day care ($393,000),
(k) 30.40—Urban Impact Aid and Meade Aid.
(1) 30.40.001.001—Special programs—Urban Impact Aid—unified school districts ($665,000),
(2) 30 40.001.002—Special programs—Urban Impact Aid—nonunified school districts ($97,000),
(3) 30.40.002—Meade Aid ($104,000),
(*l*) 50.20—Library Services—Statewide Library Support and Development ($75,000).

I am deleting the $17,677,000 legislative augmentation for discretionary COLAs. Because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes, I am unable to provide cost-of-living adjustments for programs such as this one. Even with this reduction, I am providing $373.5 million to fully fund all statutory COLAs during 1987–88.

Item 6100-490—Reappropriation, Department of Education I delete the reappropriations made in Schedules 2 and 8 of this item for the Classroom Teacher Instructional Improvement Program (CTIIP).

Consistent with my action in Item 6100-191-001, I am deleting Provisions 2 and 8 until the program has been evaluated and has demonstrated a positive impact on the quality of education provided in the classroom

"(2) Item 6100-191-001(f), Budget Act of 1984, for the purposes of funding the Classroom Teacher Instructional Improvement Program.
(8) Item 6100-191-001(d), Budget Act of 1986, for the purpose of funding the Classroom Teacher Instructional Improvement Program."

Item 6440-001-001—For support of University of California I reduce this item from $1,803,186,000 to $1,794,461,000 by reducing:

(a) Support from $1,784,274,500 to $1,775,549,500,

and deleting Provision 11.

I am deleting the legislative augmentation of $250,000 for the Teaching Assistants Training Program. The Budget, as presented on January 10, 1987, included $500,000 for this program which is sufficient until more is known about what training programs are successful.

I am deleting the legislative augmentation of $1,000,000 and 38 personnel years for janitors. My budget includes an augmentation of $5,230,000 for the maintenance of new State-funded facilities, including 32 personnel years for janitors. The University will retain $41,494,000 and 1,312 personnel years to support a continuation of the existing level of service for State-funded facilities. Any changes in this level of service will be guided by a management study which will be available for the 1988–89 budget preparation.

I am deleting the legislative augmentation of $250,000 for Neural Injury Research. Although this project appears to have merit, it was not among the highest priority uses for State funds in 1987–88 If the Regents deem the project to be a high priority, the University has the option to fund it from the $189,300,000 appropriated in the 1987–88 Budget Act for research.

I am retaining $150,000 of the $300,000 legislative augmentation for Sustainable Agriculture Research. These funds, together with the amount the Regents now are spending for this research, will provide a 50 percent increase in the amount available for this purpose.

I am retaining $1,500,000 of the $7,500,000 budgeted for computer equipment and $839,000 of the $1,414,000 budgeted for UC's library equipment. I am making this reduction of $6,575,000 due to the need for funds in high priority areas such as school

district and community college apportionments, corrections, AIDS, and toxic wastes.

I am deleting the legislative augmentation of $500,000 for Cardiac Disease Research. Although this project appears to have merit, it has not received internal University review or prioritization among the University's programs.

I am also deleting Provision 11 to conform to this action.

"11. Of the amount provided in this item, $500,000 is available only for research on heart disease prevention strategies and alternatives to medication and surgery The research shall be conducted by a research institute affiliated with the University of California, San Francisco, which shows the most promise for developing innovative and effective treatments to reverse heart disease through life-style changes. These funds shall be allocated by the regent only to the extent that federal or private funds, in excess of those already provided for this purpose, are not received."

As a result of my actions, the total General Fund budget for the University of California will be $112 million higher than the 1986–87 fiscal year, which is a 6.2 percent increase.

Item 6440-011-001—For support of University of California. I reduce this item from $49,285,000 to $43,285,000 by reducing

(b) Nonfaculty Compensation Increase from $18,000,000 to $12,000,000,

and by revising Provision 1.

I am reducing the increase for nonfaculty compensation by $6,000,000. Even with this reduction, the augmentation for non-faculty compensation increases is sufficient to provide, subject to collective bargaining, up to a four percent general compensation increase package commencing January 1, 1988, plus costs of estimated health and dental benefit rate increases.

I am also revising Provision 1 relating to the percentage and effective date of nonfaculty compensation increases This language would contravene the Higher Education Employer-Employee Relations Act (HEERA) regarding the rights of the higher education employer and employees to determine wages, hours and other terms and conditions of employment through collective bargaining.

"1. The funds herein appropriated are for increases in salaries and wages, including increases in benefits related thereto, so that sufficient money will be available for each employee of the University of California whose compensation, or portion thereof, is chargeable to the General Fund, to receive any such increases provided ~~commencing January 1, 1988,~~ by the Regents of the University of California. ~~Compensation Increase funds shall be for an average 6.0 percent salary increase for nonfaculty employees and for an average 5.7 percent salary increase for faculty employees commencing January 1, 1988.~~ "

Item 6440-016-001—For support of University of California teaching hospitals at Irvine, San Diego and Sacramento. I reduce this item from $7,425,000 to $3,000,000.

I am reducing this item by $4,425,000 because the income of the hospital system appears to be better than anticipated and UC may not require all of the subsidy proposed during 1987–88.

Item 6600-011-001—For support of Hastings College of the Law. I reduce this item from $331,000 to $285,000,

and revise Provision 1.

I am reducing the increase for nonfaculty compensation by $46,000 Even with this reduction, the augmentation for non-faculty compensation increases is sufficient to provide, subject to collective bargaining, up to a four percent general compensation increase package commencing January 1, 1988, plus costs of estimated health and dental benefit rate increases.

I am revising Provision 1 relating to the percentage and effective date of nonfaculty compensation increases. This language would contravene the Higher Education Employer-Employee Relations Act (HEERA) regarding the rights of the higher education employer and employees to determine wages, hours and other terms and conditions of employment through collective bargaining.

"1. The funds herein appropriated are for increases in salaries and wages, including increases in benefits related thereto, such that sufficient money will

be available for each academic and non-academic employee of Hastings College of the Law whose compensation, or portion thereof, is chargeable to the General Fund, to receive any such increase provided ~~commencing January 1, 1988,~~ by the Directors of Hastings College of the Law. ~~Compensation increase funds shall be for an average 6.0 percent salary increase for nonfaculty employees and for an average 5.7 percent salary increase for faculty employees commencing January 1, 1988.~~"

Item 6610-001-001—For support of California State University. I reduce this item from $1,379,719,000 to $1,378,385,000 by reducing:

(c) 04-Academic Support from $182,697,000 to $182,173,000,

(d) 05-Student Services from $130,964,000 to $130,154,000,

and deleting Provision 9

I am reducing this item by the $500,000 augmented by the Legislature to implement a joint research project between CSU Fresno and the Ben Gurion University, of the Negev in Israel. The project is designed to conduct research into water quality and agricultural management The primary mission of CSU, as defined by the Master Plan for Higher Education, is instruction and not research. According to the Master Plan, the University of California has been designated as the primary research institution of California and, as such, is the responsible and appropriate entity to conduct research endeavors affecting California.

I am deleting the conforming Budget Act language in Provision 9 to conform with this action:

"9. Of the funds appropriated by this item, $500,000 shall be used by the Trustees of the California State University to implement a joint research project between California State University at Fresno and Ben-Gurion University of the Negev in Israel. The project includes research into water quality and agricultural management. These funds shall be allocated to the extent that the trustees receive a matching amount of $500,000 from federal or private sources."

I am further reducing this item by $24,000 which would have provided additional resources to purchase instructional equipment for the California Ocean Consortium's research vessel. CSU has available, from its formula-driven equipment allotment, over $9.0 million to purchase new equipment in 1987–88. Moreover, I have provided CSU with an additional $14 million in 1987–88 to purchase and replace instructional equipment. I believe that in light of the resources CSU has available to purchase equipment, $24,000 is well within its ability to fund and fully equip the research vessel for instructional purposes.

I am also reducing by $810,000, the $1,000,000 augmentation for Student Services to subsidize child day care centers operated by CSU auxiliary organizations. In recognition of some of the cost increases that these centers have experienced recently, I am retaining in this budget $10,000 for each of the 19 day care centers, for a total cost of $190,000. While some information is available on the problems facing day care centers, the need for the full amount of the legislative augmentation has not been documented. Continuing my desire to make higher education available to every student, I have requested, and the Legislature has concurred, that an additional $300,000 should be appropriated to CSU to conduct an extensive evaluation of the need for child day care services. This evaluation should address the relationship between the availability of these services and students' access to all of higher education, child day care admission standards and criteria that exist across segments, and the level of care that is provided by each segment and how this compares to the level of care provided and made available to the population generally. Future support for child day care services will be considered pursuant to the findings and outcome of this evaluation.

As a result of my actions, the total General Fund budget for the California State University will be $112 million higher than the 1986–87 fiscal year, which is a 6.9 percent increase

Item 6610-031-001—For support of California State University. I reduce this item from $75,889,000 to $42,309,000 by reducing.

(a) 97.20-Faculty Compensation Increase from $53,979,000 to $26,979,000,

(b) 97.20-Nonfaculty Compensation Increase from $17,476,000 to $10,896,000, revising Provision 1 and deleting Provision 4.

I am reducing this item by the $27,000,000 augmentation provided by the Legislature to provide CSU faculty with a 6.9 percent salary increase effective July 1, 1987. I have provided sufficient funds to provide faculty with an average 6.9 percent salary increase effective January 1, 1988. This funding will enable CSU to recruit and retain qualified faculty, as well as provide salaries that are at parity with the 20 comparison institutions reviewed to arrive at appropriate salary increases for CSU faculty.

I am reducing the increase for nonfaculty compensation by $5,448,000. Even with this reduction, the augmentation for nonfaculty compensation increases is sufficient to provide, subject to collective bargaining, up to a four percent general compensation increase package commencing January 1, 1988, plus costs of estimated health and dental benefit rate increases.

Further, I am revising Provision 1 relating to the percentage and effective date of nonfaculty compensation increases. This language would contravene the Higher Education Employer-Employee Relations Act (HEERA) regarding the rights of the higher education employer and employees to determine wages, hours and other terms and conditions of employment through collective bargaining

"1. The funds herein appropriated are for compensation increases, increases in benefits related thereto, and other benefits, to be allocated by the Department of Finance, in augmentation of Item 6610-001-001 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, to receive any such increases provided by the Trustees of the California State University. ~~Nonfaculty compensation increase funds shall be for an average 6.0 percent salary increase commencing January 1, 1988, and faculty compensation increase funds shall be for an average 6.9 percent salary increase commencing July 1, 1987.~~ "

I am also reducing this item by $1,132,000, which provides additional compensation monies for CSU Trades Unit No. 6. Pursuant to the provisions of HEERA, compensation issues are subject to negotiation between CSU and the union organizations Inherent within the collective bargaining process is the understanding that negotiated agreements must be funded out of compensation funds appropriated to CSU Providing additional funds for compensation via the legislative process circumvents collective bargaining procedures and establishes a precedent that could have far-reaching statewide ramifications for all collective bargaining discussions.

I am deleting the Budget Act language in Provision 4 to conform to this action.

"4. Of the amount appropriated in category (b) of this item, $1,132,000 is available for equity adjustments for Skilled Trades Unit No. 6."

I am requesting the Trustees to disregard the broader authority which the Legislature has provided by excluding CSU from provisions that prohibit a salary setting authority from using, for employee compensation increases, monies other than what is specifically appropriated for compensation increases. I do not believe the action of the Legislature reflects sound fiscal policy. The Legislature did not extend this same authority to the University of California, Hastings College of Law or to Civil Service and Related employees. If CSU Trustees decide to use this broader authority, I am requesting they report back to me and the Legislature for concurrence prior to the expenditure of any funds other than those specifically appropriated for compensation purposes.

Item 6610-490—Reappropriation, California State University. I am reducing this expenditure authority by $10,000,000.

The 1987–88 Budget authorizes the reappropriation of any 1986–87 savings from CSU's main support item. Because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes, I am requiring the first $10,000,000 in reappropriated savings to revert to the General Fund. Consistent with provisional language in this item, the remainder of any reappropriated savings may be used to fund deferred maintenance and special repairs,

replacement of instructional equipment and the On-Line Public Access (OLPAC) system.

Item 6870-101-001—For local assistance, Board of Governors of the California Community Colleges. I reduce this item from $1,291,787,000 to $1,280,037,000 by reducing:

(a) 10-Apportionments from $1,185,089,000 to $1,173,339,000,

and by deleting Provisions 24, 25, 32, 34 and 35, and by revising Provision 26

I am deleting the $11,600,000 legislative augmentation for aid to districts which had declines in average daily attendance (ADA) in 1985–86 and 1986–87. Now that the community colleges' ADA declines have ended and ADA is beginning to increase, funding for growth appears to be a higher priority than funding for previous ADA declines. For this reason, I have provided $56 million for ADA growth in 1987–88.

I am deleting Provision 35 to conform with this action.

"35. 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 $11,600,000 of the amount appropriated in Schedule (a) shall be allocated to community college districts by the Chancellor of the California Community Colleges for allocation to those districts which are most in need of revenue adjustments due to declining average daily attendance in the 1985–86 and 1986–87 fiscal years.

Funds allocated to districts for purposes of deferring revenue adjustments for declining average daily attendance shall not be considered as part of the district base revenues for the 1988–89 fiscal year."

I am deleting the $150,000 legislative augmentation for a community archive program. These funds would be for facility renovations, staff and curriculum development. This proposed program has not undergone review through the budget process.

I am revising Provision 26, dealing with the $11,000,000 provided for excess growth beyond the statewide ADA limit It was my intention to provide these additional funds only for instruction in basic skills, that is, for remedial English and mathematics and English-as-a-second language. Instructional needs in these areas are increasing, both as a result of the increased emphasis on academic standards in the community colleges and the changing needs of the community college student body. Now that the community colleges are growing again, it is important that growth serve our State's high priority needs. Thus, I am deleting wording in Provision 26 that would allow the $11,000,000 to be used for ADA in areas other than basic skills. I am also deleting wording which would allow this funding to be incorporated into the subsequent year's base budget in order to insure that the funds will continue to be used for the purposes intended.

"26. Notwithstanding any other provision of law, $11,000,000 of the funds appropriated in schedule (a) shall be for allocation to community college districts in the 1987–88 fiscal year for the purposes of funding, beyond the statutory ADA growth limit, needs in basic skills ~~and ADA growth in other areas~~. The chancellor shall develop criteria for allocating funds for instruction in basic skills ~~and other areas~~. ~~This funding shall be considered as part of the base revenues for community college districts in computing the subsequent year's funding.~~"

I am deleting Provision 34, which would alter the State-to-local funds matching requirement in the deferred maintenance program from 1-to-1 to 2-to-1. This legislative change would have reduced the total amount of funding for deferred maintenance and slowed the pace of badly needed repairs. It is appropriate that districts maintain their efforts in the contribution of State apportionment funds for this program. Furthermore, this change is unnecessary, as districts which can meet the matching requirements would be given unneeded relief, and the Chancellor currently has the authority to waive the match in cases of district hardship

"34. Notwithstanding any other provision of law, the chancellor shall allocate funds in Schedule (b) for deferred maintenance so that, for every $2.00 of funds allocated from this item, the districts shall provide $1.00 of matching

funds."

I am deleting Provision 25, which would require the State to fund remedial math courses above a district's growth cap if the courses are conducted for students currently enrolled in the University of California or California State University. This language could result in expenditures of over $1.2 million for these students who may currently receive this instruction at UC or CSU. Furthermore, I have already provided an additional $11 million for growth above the ADA caps in basic skills. Thus, there is no need for this requirement.

"25. A community college district may exceed its average daily attendance (ADA) limit for any ADA generated by students who are enrolled in a remedial mathematics course (if a UC or California State University requirement) conducted by the community college district for students who are concurrently enrolled at UC or at the California State University.

ADA which is credited above a district's limit for these specified purposes shall be funded by the state at a rate equal to the current-year rate for noncredit ADA specified in subdivision (d) of Section 84701 of the Education Code or for credit ADA specified in subdivision (e) of Section 84701 of the Education Code, whichever is applicable. Any community college district which receives an apportionment under this provision shall establish a separate categorical account for the receipt of revenues and disbursement of expenditures for the authorized classes."

I am deleting Provision 24, which would constrain local districts in operating auxiliary organizations, and Provision 32, which would prohibit Los Angeles district from implementing reforms and receiving $2 million of its apportionments allocation. Management of community college districts is a local responsibility. Districts must have the flexibility to determine the programs and courses offered, and to make difficult decisions to maintain fiscal integrity. If the Legislature believes that there should be additional oversight of local community college governing boards, then it should address its concerns through separate legislation, rather than through the Budget Act.

"24. Any community college district which establishes an auxiliary organization pursuant to Article 6 (commencing with Section 72670) of Chapter 6 of Part 45 of the Education Code and which operates on property which it does not own or on property which the district has not leased as of July 1, 1987, shall not receive an apportionment under this item unless the Chancellor of the Community Colleges submits a written memorandum to the local district governing board stating that the chancellor's office has made both of the following findings:

(a) The proposed auxiliary activity conforms with apprenticeship programs approved by the chancellor's office if the activity for students is similar to, or closely allied with, apprenticeship training.

(b) The proposed auxiliary activity has not displaced noncommunity college district employees unless an agreement to do so has been reached between the local district and representatives of employees in the private sector if a private business is involved."

"32. The Los Angeles Community College District shall maintain its nursing programs at the 1986–87 level. This action shall include the reestablishment of a nursing program at Los Angeles City College which shall enroll at least 45 students by the spring semester of the 1987–88 academic year. A total of $2,000,000 shall be withheld from apportionments unless the district complies with the provisions of this section and submits a report to the chancellor on its district reform plan.

The report shall assess the effect of the district's reform plan on student access and the continued availability of vocational training programs for occupations where there is a shortage of trained workers and where student demand for entry into those training programs exceeds available class space. The chancellor shall review the study to determine whether the proposed plan will cause a decline in student access and whether the district is maintaining its nursing program at current levels. If the chancellor determines that there will be a decline in student access or the district is not

maintaining its nursing program, the district will not become eligible for the amount withheld from apportionments pursuant to this item.

The chancellor shall certify to the Director of Finance and the Joint Legislative Budget Committee whether funds should be allocated to the Los Angeles Community College District The funds shall not be released without the approval of the Chairperson of the Joint Legislative Budget Committee "

As a result of my actions, the total General Fund budget for community colleges will be $88.1 million higher than for the 1986–87 fiscal year, which is a 7 1 percent increase

Item 6870-106-001—For local assistance, Board of Governors of the California Community Colleges I reduce this item from $15,000,000 to $11,862,000, and revise Provision 1

I am deleting the $3,138,000 legislative augmentation for instructional equipment replacement and library materials. The Administration has already considered and determined the level of funding that the State can provide for this program, and has provided $17,000,000 from the General Fund for this purpose, in addition to $35,000,000 of bond funds which were reappropriated from 1986–87.

I am also revising Provision 1 to delete language added by the legislature granting authority to the Chancellor to waive the 3-to-1 State-to-local matching fund requirement in this program It is presumed that community college districts have historically allocated a portion of their apportionments funding for instructional equipment and library materials. It is appropriate that the districts maintain this effort. With maintenance of effort, the additional State funding will enable districts to quadruple their resources for instructional equipment and library materials This incentive should encourage districts to fund this high priority program This matching requirement is consistent with community college matching requirements for deferred maintenance (1-to-1) and capital outlay (9-to-1) It is also consistent with the Administration's program for K–12 school construction, which includes an estimated 3-to-1 match.

"1 The amount appropriated in this item is available on a one-time basis for the purpose of providing community college districts with funds to replace instructional equipment and for purchase of library materials The chancellor shall allocate these funds to the districts such that for every $3.00 (three dollars) of funds allocated from this item, the districts shall provide $1 00 (one dollar) of matching funds. ~~The Chancellor may waive the matching requirements for districts which cannot provide the matching funds without financial hardship. The Chancellor shall develop criteria for determining whether compliance with the matching requirement would cause financial hardship to a district~~ "

Item 6870-301-782—For capital outlay, Board of Governors of the California Community Colleges. I reduce this item from $31,869,000 to $31,746,000 by deleting

Los Angeles City College,
Southwest
(14 1) 40.26 603-Working drawings,
Physical Education Facilities Core (123,000)

This item already contains $31,746,000 for 40 projects which were included on a priority basis for the community college system. This project, which did not fall within that priority range, is being deferred because a physical education facility already exists on this campus. The project may be resubmitted for consideration in the 1988–89 Governor's Budget if it is deemed a high priority

Item 8100-101-001—For local assistance, Office of Criminal Justice Planning I delete Provision 5

I am deleting Provision 5 because this provision would restrict the allocation of funds for the Community Crime Resistance Program only to recipients who are located in cities. I believe that this language, added by the Legislature, was inadvertently restricted to recipients who are located in cities. In fairness to recipients who are located outside of city limits, I am deleting this language However, I support using the crime index as a factor in allocating the funds, and I will direct the Office of Criminal Justice Planning to use this factor in their administration of the program

"5 The funds appropriated in category (c) of this item shall be allocated to recipients located in cities officially ranked as having the highest crime rates in the state "Crime rate" means the level of incidence of crimes per 100,000 population "

Item 8260-001-001—For support of California Arts Council. I reduce this item from $2,699,000 to $2,599,000 by reducing.

(e) 50 01-Administration from $1,554,000 to $1,454,000.

I am reducing $100,000 from the legislative augmentation of $150,000 which was to provide additional administrative support for various local assistance programs. I have retained $50,000 and one position to provide the necessary administrative support related to the $1,000,000 augmentation for the local assistance, grants and subventions This conforms to the actions I have taken in Item 8260-101-001.

Item 8260-101-001—For local assistance, California Arts Council for grants and subventions I reduce this item from $12,961,997 to $11,000,000 by reducing:

(a) 10-Artists in Residence from $2,078,218 to $1,827,000,

(b) 20-Organizational Grants from $7,811,000 to $6,880,000,

(d) 40-Statewide Projects from $2,475,779 to $1,696,000,

and deleting Provisions 2 and 3.

I am reducing $1,961,997 from the legislative augmentation of $2,961,997 to various local assistance programs. These funds were requested to provide additional grants to local artists. I have retained $1,000,000, which is a 10 percent increase above my January 10 budget proposal. This will provide a $385,000 increase to the Artists in Residence Program, $569,000 to the Performing Arts Touring/Presenting Program and $46,000 to the Statewide Projects.

I am deleting Provisions 2 and 3 to conform with this action.

"2 The California Arts Council shall utilize $15,000 of the augmentation for the Interagency Arts Program to fund an Arts/Tourism Pilot Project through an interagency agreement with the Department of Commerce, Office of Tourism."

"3. The California Arts Council shall utilize $500,000 of the augmentation for the Multi-Cultural Arts Program."

Item 8290-001-001—For support of California Public Broadcasting Commission I delete this item, and accompanying provisions.

The California Public Broadcasting Commission is no longer in operation and is not included in the 1987–88 Governor's Budget. I continue to believe that public broadcasting should be supported by viewers, foundations, and other private sources.

Item 8350-001-001—For support of Department of Industrial Relations. I reduce this item from $102,382,000 to $94,219,000 by reducing

(ax) Program operations from $140,247,000 to $120,775,000, and

(u) Amount payable from the Federal Trust Fund (Item 8350-001-890) from −$17,633,000 to −$6,324,000

and deleting Provisions 2, 3.5, 4, and 5.

I am deleting the $547,000 and 8 positions augmented by the Legislature to reinstate the Mine Safety Program which would allow for inspections of employment conditions related to the mine safety law This augmentation will constitute a program duplication because California's mines are already regulated and inspected by the Federal Mine Safety and Health Administration and the State program constitutes duplicative activities A court ruling has also determined that the State also has no jurisdiction where mines are inspected by the Federal Mine Safety and Health Administration.

I am deleting Provision 2 to conform to this action.

"2. Notwithstanding subdivision (a) of Section 6303 of the Labor Code, the Governor and the Director of the of Industrial Relations shall enforce the full scope of Part 9 (commencing with Section 7950) of Division 5 of the Labor Code."

I am deleting 357.8 personnel years and reducing $7,000,000 of the $8,000,000 legislative augmentation to reinstate the Cal/OSHA Program in the private sector. The Department of Labor resumed enforcement of federal job safety and health standards in the private sector worksites effective July 1, 1987. California will continue

to provide the necessary public sector responsibilities and consultation services for employees in both the public and private sectors. I believe California employers and employees can be assured that the Federal Government will continue to deliver appropriate services to provide safety in the workplace. I am retaining $1,000,000 of the augmentation to provide funding for the Appeals Board to handle the existing open cases on appeal and continue processing the public sector appeals and to fund the Standards Board to carry out its public sector responsibilities I am reducing the amount payable to this item from the Federal Trust Fund item by $11,309,000 to correspond to my action taken in Item 8350-001-890.

I am deleting the $300,000 legislative augmentation for a consultant study of the current system for processing workers' compensation cases The current budget of $45,526,000 and 768 6 personnel years provides an adequate level of funding to address the workload. I am deleting Provision 5 to conform to this action.

"5 Of the funds appropriated in this item, $300,000 shall be available solely for a consultant study of the current system for processing workers' compensation cases Any study authorized by the director shall (a) consider the efficiency of current clerical procedures, the need for improved use of automation, the reasons for delays in the current system, the reasons for variations in productivity of judges in the 22 local offices, and (b) make recommendations with respect to the need for additional staff, the introduction of better management procedures, the need for an improved management reporting system, and standards for the timely issuance of decisions."

I am deleting $316,000 and 6 positions augmented by the Legislature to expedite wage claims The current budget provides sufficient resources to accomplish the workload.

I am deleting Provision 3 5 because this language is unnecessarily restrictive since the current administrative process already requires public hearings whenever regulations are to be amended

"3.5. No modification of regulations as they existed on January 1, 1987, affecting eligibility for, the amount of, or procedures governing the determination of, workers' compensation rehabilitation or permanent disability benefits shall be adopted until 30 days after the proposed changes have been reviewed in public hearings by any appropriate fiscal or policy committee of the Legislature which schedules a hearing on the proposed regulations prior to the final adoption of the regulations "

I am also deleting Provision 4 because I believe the establishment of this reporting requirement is duplicative of administrative policies and procedures already in effect

"4. The Labor Commissioner shall provide the appropriate policy committees (a) timelapse data on all significant elements of the wage-claim collection process and (b) a quarterly breakdown by field office of active wage claims which require a hearing under subdivision (a) of Section 98 of the Labor Code and for which no hearing has been held within 75 days of the filing of the claim."

Item 8350-001-890—For support of Department of Industrial Relations. I reduce this item from $17,633,000 to $6,324,000

I am reducing $11,309,000 of the legislative augmentation to reinstate the Cal/OSHA program in the private sector. I am retaining $2,400,000 of the augmentation to provide funding for a contract to facilitate the transition to the federal OSHA program I am also retaining $450,000 to provide spending authority for the federal contribution to the first quarter of the public sector program This conforms to the action I have taken in Item 8350-001-001

Item 8570-001-001—For support of Department of Food and Agriculture I revise this item by reducing:

(b) 20-Plant Pest and Disease Prevention from $27,074,000 to $27,003,000,

(g) 60-Financial and Administrative assistance to local fairs from $1,277,000 to $1,227,000 and,

(*lx*) Amount payable from the Environmental License Plate Fund (Item 8570-001-140) from $-371,000 to $-300,000.

and by deleting.

(kx) Amount payable from Special Account for Capital Outlay (Item 8570-001-036) (−$50,000),
and Provision 3.

I am deleting a legislative augmentation of $71,000 from the Environmental License Plate Fund that was intended for Imperial County for its hydrilla control program. Based on an established departmental priority system which considers the magnitude of the problem, the potential for control or eradication, and the ability of local entities to deal with the problem, it has been determined that the current levels of State funding provided to Imperial County are sufficient.

I am deleting a legislative augmentation of $50,000 from the Special Account for Capital Outlay funds for a study concerning the feasibility of relocating the Sacramento County Fair. Although I support local fairs, this is an inappropriate use of SAFCO funds A study of this nature, if it is of sufficiently high priority, should be funded from the Fair and Exposition Fund.

I am also deleting Provision 3 because this provision would have required the Department of Food and Agriculture to determine who is an "interested party" for notification purposes prior to the issuance of a special agricultural products move permit This process would add unnecessary administrative workload and costs to the department In addition, failure to recognize and notify all "interested parties" could result in costly lawsuits

> "3. The Director of Food and Agriculture shall not issue special permits pursuant to Section 3154 of Title 3 of the California Administrative Code without first giving all interested parties formal notice of this action. Any special permits issued in 1987 without such notice shall be immediately rescinded by the director."

Item 8570-001-036—For support of Department of Food and Agriculture I delete this item

I am deleting this item to conform to the action I have taken in Item 8570-001-001.

Item 8570-001-140—For support of Department of Food and Agriculture. I reduce this item from $371,000 to $300,000.

I am reducing this item to conform to the action I have taken in Item 8570-001-001

Item 8570-101-001—For local assistance, Department of Food and Agriculture I revise this item by reducing:

(d) 60-Financial and Administrative Assistance to local fairs from $6,640,000 to $4,690,000, and

(g) Payable from the Fair and Exposition Fund (Item 8570-101-191) from −$6,640,000 to −$4,690,000

I am reducing the schedule in this item by $1,950,000 to reflect the deletion of funds designated for the construction of a display building for the San Fernando Valley Fair This Fair does not have a permanent site as yet, nor is it known what facilities or alterations may be needed once a permanent site is acquired. Allocation of funds for a display building at this time is premature

Item 8570-101-191—For local assistance, Department of Food and Agriculture. I reduce this item from $6,640,000 to $4,690,000 by reducing·

(c) Other local fair projects from $2,690,000 to $740,000,
deleting Provision 7 and revising Provision 6

I am reducing this item by $1,950,000 to conform with the action I have taken in Item 8570-101-001.

I am deleting Provision 7 to conform to this action.

> "7 The Department of Food and Agriculture shall allocate up to $1,950,000 of category (c) to the 51st District Agricultural Association upon the acquisition of a permanent site for the San Fernando Valley Fair for the construction of a display building. Funds appropriated by this provision shall be available for encumbrance for three years "

In addition, I am revising Provision 6 to delete the requirement that the department notify the Legislature of any expenditure over $50,000 I believe this reporting requirement is duplicative The department is currently required to submit a report to the Legislature detailing expenditure plans for three years. That report will fulfill the requirements of the deleted portion of Provision 6

"6. All funds that would otherwise be available for allocation pursuant to Section 19630 of the Business and Professions Code and which are in excess of the amount appropriated in this item, are hereby appropriated in augmentation of this item. ~~The department shall submit a written notification to the chair of the Senate Select Committee on Fairs and Rural Issues, the chair of the Assembly Subcommittee on Fairs and Expositions, and the chairs of the respective Senate and Assembly Fiscal Committees prior to any expenditure over $50,000 from this augmentation, explaining the nature and use of the expenditure.~~ "

Item 8570-301-036—For capital outlay, Department of Food and Agriculture. I delete Provision 1.

I am deleting Provision 1 because this language is ineffective since current administrative procedures would allow the department to augment the project pursuant to existing statutory authority.

"1. Notwithstanding any other provision of law, on June 30, 1988, the Controller shall transfer from the funds appropriated under category (1) of this item a sum equal to 10 percent of all unspent funds in category (1) to the Special Account for Capital Outlay in the General Fund."

Item 8570-490—Reappropriation, Department of Food and Agriculture. I delete this item.

I am deleting this reappropriation which was added by the Legislature for the eradication of yellow primrose and parrots feather in San Joaquin County Based on a priority system which considers the magnitude of the problem, the potential for control or eradication, the ability of local entities to deal with the problem, and the potential adverse effects of the plants, it has been determined this the project does not require additional State funding The Department of Food and Agriculture will, instead, utilize funds budgeted for control and eradication work on projects that require a statewide approach and which, if left uncontrolled, could result in significant environmental and economic problems.

Item 9800-001-001—For augmentation for Employee Compensation. I reduce this item from $107,575,000 to $77,582,000 by reducing·

(a) 10.01-Civil Service Employees-Represented from $76,592,000 to $53,939,000,

(b) 10.02-Civil Service Employees-Nonrepresented from $19,031,000 to $13,402,000,

(c) 20-Exempt/Excluded and Other Employees from $5,623,000 to $3,912,000,

and deleting Provisions 3 and 4.

I am reducing the amount available for employee compensation increases by $29,993,000. Even with this reduction, the augmentation for employee compensation is sufficient to provide, subject to collective bargaining, up to a four percent general compensation increase package commencing January 1, 1988, plus costs of estimated health and dental benefit rate increases.

I am also deleting Provisions 3 and 4 because these provisions would contravene the Ralph C. Dills Act regarding the rights of the State employer and employees to determine wages, hours and other terms and conditions of employment through collective bargaining.

"3. Where memoranda of understanding have not been approved prior to passage of this act, the current provisions of existing memoranda of understanding, including compensation and benefit levels, shall remain in effect until superseded by approved memoranda of understanding.

4. The funds provided in this item, except for those amounts necessary for health and dental benefit rate increases, shall be used to provide a general compensation increase of 6 percent commencing January 1, 1988."

Item 9800-001-494—For augmentation for Employee Compensation. I reduce this item from $53,345,000 to $37,635,000 by reducing:

(a) 10.01-Civil Service Employees-Represented from $42,246,000 to $29,804,000,

(b) 10.02-Civil Service Employees-Nonrepresented from $10,496,000 to $7,405,000,

(c) 20-Exempt/Excluded and Other Employees from $603,000 to $426,000,

and deleting Provisions 3 and 4.

I am reducing this item by $15,710,000 and deleting Provisions 3 and 4 to conform to my action taken in Item 9800-001-001.

"3. Where memoranda of understanding have not been approved prior to passage of this act, the current provisions of existing memoranda of understanding, including compensation and benefit levels, shall remain in effect until superseded by approved memoranda of understanding.

4. The funds provided in this item, except for those amounts necessary for health and dental benefit rate increases, shall be used to provide a general compensation increase of 6 percent commencing January 1, 1988."

Item 9800-001-988—For augmentation for Employee Compensation. I reduce this item from $35,357,000 to $24,944,000 by reducing:

(a) 10.01-Civil Service Employees-Represented from $28,001,000 to $19,755,000,

(b) 10.02-Civil Service Employees-Nonrepresented from $6,956,000 to $4,907,000,

(c) 20-Exempt/Excluded and Other Employees from $400,000 to $282,000,

and deleting Provisions 3 and 4.

I am reducing this item by $10,413,000 and deleting Provisions 3 and 4 to conform to my action taken in Item 9800-001-001.

"3. Where memoranda of understanding have not been approved prior to passage of this act, the current provisions of existing memoranda of understanding, including compensation and benefit levels, shall remain in effect until superseded by approved memoranda of understanding.

4. The funds provided in this item, except for those amounts necessary for health and dental benefit rate increases, shall be used to provide a general compensation increase of 6 percent commencing January 1, 1988."

Section 3.80—Allocation of one percent General Fund restoration. I reduce this section from $69,521,000 to $32,331,000.

I am reducing this section by $37,190,000 because of the need for funds in high priority areas. With this reduction the remaining $32,331,000 will be allocated to higher education programs

"SEC. 3.80 The sum of ~~sixty/nine million five hundred twenty/one thousand dollars ($69,521,000)~~ *thirty-two million three hundred thirty-one thousand dollars ($32,331,000)* is hereby appropriated from the General Fund to restore ~~the one percent (1%)~~ 1987–88 General Fund reductions that were implemented in the January 10 version of the Governor's Budget. These funds shall 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~~ support appropriations."

Section 11.50—Distribution of Tidelands Oil Revenues

I am approving Section 11 50 which includes the allocation of $86.4 million of Tidelands Oil revenues to the General Fund. However, I am particularly concerned about the $18 million reduction which was made to the Rural Renaissance Program to achieve this General Fund transfer I believe that this reduction should be restored for this important program Therefore, I will support Senator Nielsen's bill as a legislative vehicle to provide $18 million from the Special Account for Capital Outlay since there will be sufficient resources in the Account for this purpose.

Section 11.60—For transfer of to the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties.

I am revising this section by reducing the transfer from $14,960,000 to $9,960,000 because of the need for funds in high priority areas such as school district and community college apportionments, corrections, AIDS, and toxic wastes. Even with this reduction, the Disaster Response-Emergency Operations Account will contain $15,000,000.

"SEC 11.60 On July 1, 1987, the State Controller shall transfer the amount of ~~fourteen million nine hundred sixty thousand dollars ($14,960,000)~~ *nine million nine hundred sixth thousand dollars ($9,960,000)* from the General Fund to the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties."

Section 12 00—Appropriations Limit. I am approving Section 12.00

I have directed that the renters' tax credit program be excluded from the computation of the amount of appropriations subject to the limit and the

appropriations limit for the 1987–88 fiscal year. Proposed adjustment of the appropriations limit for the 1986–87 fiscal year, related to the renter credit program, is not acceptable as it attempts to reconstruct the limit retroactively.

Section 15.00—For allocation to various departments for AIDS related activities. I reduce this section from $39,068,000 to $16,500,000,
and revise its provisions.

I have more than doubled California's commitment to AIDS programs over the amount budgeted in 1986–87. This increases the State's AIDS budget to $63,033,000, in addition to funding available in other programs, such as Medi-Cal In my action on this section, I have preserved the priorities of this Administration and the Legislature with respect to AIDS funding. The funding level which I have sustained is both significant and appropriate and it continues to show California as a leader in its effort to combat AIDS.

I am deleting language allocating funds for information and education, providing the Department of Health Services the flexibility to expend funds on projects determined to address the greatest needs of those population groups that would benefit most from additional information and education activities In addition, I have not provided funds for payment of AFDC-Foster Care grants for infants and children diagnosed as having AIDS, ARC, or HIV infection in this section. Because the Foster Care program is an entitlement program, funding for the placement of children with special needs, such as these, is already accounted for as part of the caseload development for the Foster Care Program. Therefore, funding is already included in the Department of Social Services' budget.

I am sustaining the $5.7 million augmentation for construction of the multidisciplinary AIDS research center at the San Francisco General Hospital. However, I believe a more appropriate funding source is the Special Account for Capital Outlay (SAFCO). Since there are sufficient resources in this Account, I would sign a bill to use SAFCO in lieu of the General Fund augmentation provided in this section.

"SEC. 15.00. (a) The sum of ~~thirty/nine million sixty/eight thousand dollars ($39,068,000)~~ *sixteen million five hundred thousand dollars ($16,500,000)* is hereby appropriated from the General Fund to the Controller.

(b) The amount appropriated by this section shall be transferred by the Controller, upon the order of the Director of Finance, to fund AIDS-related programs during the 1987–88 fiscal year, in accordance with the following schedule:

~~(1) State Health and Welfare Agency~~	~~450,000~~
~~(2) Department of Housing and Community Development~~	~~50,000~~
~~(3) Department of Alcohol and Drug Programs~~	~~1,000,000~~
(4) State Department of Health Services	~~30,518,000~~ *15,300,000*
(5) Department of Mental Health	~~3,250,000~~ *700,000*
(6) Department of Corrections	300,000
(7) California Youth Authority	200,000
~~(8) State Department of Education~~	~~1,000,000~~
~~(9) California State University~~	~~220,000~~
~~(10) University of California~~	~~100,000~~
~~(11) California Community Colleges~~	~~0,000~~
~~(12) Department of Social Services (AFDC/FC)~~	~~1,300,000~~

(bx) Each agency listed in subdivision (b) shall prepare expenditure plans for the funds transferred to it pursuant to this section. These expenditure plans shall be submitted to the appropriate legislative policy and fiscal committees and the to Joint Legislative Budget Committee no later than September 1, 1987.

~~(c) The Health and Welfare Agency shall allocate the amount transferred to it pursuant to paragraph (1) of subdivision (b) for use by the California Commission on AIDS as established in Chapter 1.17 (commencing with Section 100.85) of Part 1 of Division 1 of the Health and Safety Code as contained in AB 87 of the 1987/88 Regular Session if that bill is enacted.~~

~~(d) The Department of Housing and Community Development shall allocate the amount transferred to it pursuant to paragraph (2) of subdivision (b), to provide technical assistance to organizations which are developing housing for persons with HIV infection.~~

~~(e) The Department of Alcohol and Drug Programs shall allocate the amount transferred to it pursuant to paragraph (3) of subdvision (b) to counties to increase treatment programs related to IV drug use. The department shall allocate 80 percent of the funds to the 20 counties with the highest AIDS caseloads, based upon reported IV drug abuse cases. The director shall allocate the remaining 20 percent of these funds to counties in accordance with their needs for addressing the AIDS epidemic.~~

(f) The State Department of Health Services shall allocate the amount transferred to it pursuant to paragraph (4) of subdivision (b) for use as follows:

(1) ~~$130,000~~ *$100,000* to maintain funding for statewide education programs which have demonstrated effectiveness in educating and informing health care workers, emergency service workers, and hemophiliacs about AIDS. The department may enter into sole source contracts with the contractors who received funding in 1986–87 The department shall ensure that the contracts address the needs of minorities in the target populations.

(2) To adopt a goal of spending 25% of funds provided for information to and education of minority populations.

(3) (A) *$5,000,000* to increase state efforts during the 1987–88 fiscal year to educate ~~specified~~ target populations on AIDS ~~as follows: (i) $638,000 for persons attending sexually transmitted disease clinics and other public health clinics; (ii) $3,830,000 for men who have sex with men; (iii) $2,320,000 for sexually active heterosexuals; (iv) $2,261,000 for minority populations; (v) $2,553,000 for IV drug users; (vi) $192,000 for prostitutes; (vii) $638,000 for health professionals with special emphasis on education of black and hispanic health care networks; (viii) $200,000 to support English and Spanish language hotlines in Southern and Northern California; (ix) $319,000 for inmates and employees of county jails; and (x) $160,000 for health professionals responsible for education of diagnosing pediatric AIDS.~~

(B) In allocating funds pursuant to this paragraph, the department shall give first priority to those contractors who were determined to have high-quality proposals for funding during the 1987–88 fiscal year, but whose requests were reduced or denied because of insufficient funds ~~During the 1988/89 fiscal year, these amounts shall be increased by 33 percent to reflect annualized funding.~~

~~(C) The department may reallocate up to 11% of the increased funds provided herein to educate men who have sex with men, sexually active heterosexuals, and minority populations to programs which, instead, educate the general population if the department does not receive a sufficient number of high quality proposals in those categories. In no event shall the reallocation exceed $2,000,000.~~

~~(4) $1,000,000 to establish four resource centers / two in the south and two in the north / to provide service to provider counties, schools, colleges, and the public with the most recent information on AIDS on the effective intervention for controlling the epidemic. These centers shall include information on all target groups affected by AIDS, including men who have sex with men, sexually active heterosexuals, IV drug users, and minorities. In allocating the funds, the department shall give consideration to those entities experienced in acting as a resource center.~~

~~(5)~~ ~~$750,000~~ *$500,000* to evaluate the effectiveness of the prevention and intervention of AIDS through information and education grants.

(6) ~~$5,956,000~~ *$1,500,000* to support activities and programs designed to care for HIV infected people in nonhospital settings. These funds may be used for case management services, home health care, attendant care, housing costs, food, and for subsidizing rates paid to skilled nursing facility distinct parts.

~~(7) $250,000 to support programs to encourage private sector providers to offer the HIV antibody test.~~

~~(8) To encourage publicly funded clinics to provide the HIV antibody test and to allocate $250,000 to reimburse costs incurred by the clinics in providing the test.~~

(9) To provide that alternate test sites may refer persons with HIV infection to mental health services, as appropriate.

(10) ~~$1,162,000~~ *$1,000,000* for counties for their AIDS programs. These funds may be used for serologic monitoring, active case monitoring, monitoring of sexually transmitted diseases, county epidemiology planning, evaluation of data collective efforts, and coordination of AIDS activities.

(11) $5,700,000 for construction of a multidisciplinary AIDS research center at San Francisco General Hospital. The department shall only allocate the funds to the City and County of San Francisco after the department submits a Section 28.00 notification, which includes the projects' preliminary plans, to the Joint Legislative Budget Committee and the legislative fiscal committees for review. The Joint Legislative Budget Committee shall report on the adequacy of the plans within 30 days of receipt of the Section 28.00 request. After approval of the preliminary plans, changes affecting the scope or cost of the project shall be submitted under the review process set forth above to the Chair of the Joint Legislative Budget Committee and the chair of the fiscal committee in each house prior to implementing the proposed change The department shall ensure that the City and County of San Francisco shall expedite the development of preliminary plans for this project. It is the intent of the Legislature that this project shall be expedited to make possible the start of the construction in the 1987–88 fiscal year

It is the intent of the Legislature that the remaining $4,800,000 in construction costs for this project shall be funded in the Budget Act of 1988. The Legislature requests the City and County of San Francisco to let a single contract for the project which provides for phased construction award and phased construction

(12) ~~$500,000~~ *$400,000* to establish ~~13~~ *7* positions to administer the additional funds provided in this subdivision ~~for information and education activities~~.

(13) The department shall ensure that HIV-infected children are eligible for California Children Services (CCS) ~~CCS shall coordinate with county welfare departments to facilitate appropriate foster placements for these children.~~

(14) ~~$1,500,000~~ *$1,100,000* to fund health care costs of HIV-infected infants and children ~~Of~~ this amount, ~~$1,000,000~~ shall be transferred to California Children Services to fund health care costs of HIV-infected infants and children; ~~and $500,000 shall be contracted through the RFP process to fund clinical treatment centers within existing health care facilities for infants and children diagnosed as having AIDS, ARC, or HIV infection. In awarding these grants, the department shall ensure that the centers are located in, or in close proximity to, the communities with the highest concentration of HIV/infected infants and children~~

(g) The Department of Mental Health shall allocate the amount transferred to it pursuant to paragraph (5) of subdivision (b) for use as follows:

(1) ~~$700,000~~ *$200,000* for community services ~~as follows: (i) $250,000 for promotion of mental health; (ii) $250,000 for training of volunteers and peer counselors; and (iii) $200,000~~ for counseling of hemophiliacs with regard to AIDS-related mental health issues.

~~(2) To prepare a report regarding state hospital issues related to AIDS which shall include, but not be limited to, all of the following with regard to patients with AIDS, ARC, or who test positive for the AIDS antibody; (i) state policy regarding admission to the state hospitals; (ii) issues relating to confidentiality, testing, and treatment including the need for data collection; (iii) the number of patients currently in the state hospitals and, to the extent possible, the projected unmet need for hospital beds; (iv) projections regarding appropriate treatment programs; and (v) mechanisms for improving coordination between the state hospitals and community mental health programs.~~

~~The report shall be submitted by November 1, 1987, to the Assembly Ways and Means Committee and the Senate Budget and Fiscal Review Committee.~~

(3) ~~$2,550,000~~ *$500,000* to provide critical mental health treatment service to people with AIDS-related mental health needs. These funds shall not be expended for any other mental health program and shall be used to provide services to the following populations: (i) people with AIDS; (ii) people with ARC;

(iii) people who test antibody positive for exposure to the AIDS virus; (iv) significant others of any of those in the above groups; (v) those suffering from AIDS-related depression, anxiety, or somatization disorders; and (vi) people whose work brings them in contact with anyone identified in groups (i) through (v) above.

The department shall develop a request for proposals for allocation of funds pursuant to paragraph (3). Both county mental health departments and private, nonprofit agencies shall be eligible for funding. However, priority shall be given to proposals from county mental health departments which propose to make use of appropriate private provider expertise.

(h) The Department of Corrections shall allocate $300,000 of the amount transferred to it pursuant to paragraph (6) of subdivision (b) to inform and educate inmates and employees of the state's prisons on AIDS.

(i) The California Youth Authority shall allocate the amount transferred to it pursuant to paragraph (7) of subdivision (b) to inform and educate wards and department employees on AIDS.

~~(j) The Superintendent of Public Instruction shall allocate the amount transferred to the State Department of Education pursuant to paragraph (8) of subdivision (b) to local school districts to: (i) train teachers and staff to provide classroom instruction on AIDS; (ii) purchase AIDS instructional materials, including videos; and (iii) develop AIDS curricula and teaching guidelines.~~

~~(k) The Board of Trustees shall allocate the amount transferred to the California State Universities the amount pursuant to paragraph (9) of subdivision (b) to (i) train health personnel to provide AIDS education to students and staff; (ii) purchase AIDS instructional materials; (iii) develop AIDS curricula; and (iv) coordinate campus AIDS education programs.~~

(l) In allocating funds appropriated for AIDS research in Item 6440-001-001, the university shall increase its emphasis on social and behavioral science and policy research which identifies effective ways to combat the spread of AIDS by: (i) funding more research on issues such as effective prevention and education strategies, local AIDS policy directions, and the quality of health care, and (ii) diversifying its task force to include researchers in disciplines such as health education and policy, medical anthropology, or other social sciences.

~~Of the amount allocated to the University of California, the Regents of the University of California shall allocate $100,000 to the eight general campuses to: (i) train health personnel to provide AIDS education to students and staff; (ii) purchase AIDS instructional materials; (iii) develop AIDS curricula; and (iv) coordinate campus AIDS education programs.~~

~~(m) (1) The Chancellor of the California Community Colleges shall develop and distribute a program which shall do both of the following:~~

~~(A) Train health personnel to provide AIDS education.~~

~~(B) Develop AIDS curricula and instructional materials for use in community colleges.~~

~~(2) The Chancellor shall further allocate up to $680,000 from the amount transferred to it pursuant to paragraph (11) of subdivision (b) to community college districts in order to do both of the following:~~

~~(A) Provide direct instruction and information to community college staff and students.~~

~~(B) Coordinate community college campus AIDS education programs.~~

~~(n) The amount appropriated in paragraph (12) of subdivision (b) shall be transferred to the Department of Social Services for payment of AFDC/FC grants for infants and children in foster care placement diagnosed as having AIDS, ARC, or HIV infection. The department is authorized to pay any supplemental rate that may be approved.~~"

Section 22.00—Greater Avenues for Independence (GAIN) Program Implementation. I am approving Control Section 22.00.

The Legislature took action to reduce the amount of funds available in this section based on the assumption that, due to implementation delays that counties are experiencing, additional resources are not warranted at this time. I, too, recognize that

this is a very complex program to implement. However, I am committed to implementing the GAIN program in a timely fashion, based upon the plan approval process designed by the Department of Social Services. Therefore, should additional funding be required during 1987–88, I would support such a request.

Section 23.00—For implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986. I reduce this section from $13,146,000 to $12,127,000 by reducing the General Fund from $7,715,000 to $6,696,000.

I am reducing the legislative augmentation of $133,000 (General Fund) for the Department of Health Services for allocation to the Hazard Evaluation System and Information Service for technical assistance relating to occupational exposures. The augmentation I proposed which is included in this control section totals $1,777,000 for the Office of Environmental Health Hazard Assessments in the Department of Health Services. This amount includes $254,000 and 4.8 personnel years to enable the Department to develop a protocol for the identification of use patterns and the likelihood of significant exposures for substances in commercial use in the State. Additionally, this funding will enable the Department to identify chemicals that are in use in California, particularly in the workplace Therefore, the augmentation proposed by the Legislature is duplicative of funding which is already included in this section for implementation of Proposition 65. I have seen no justification or evidence to support an additional and parallel activity.

I am reducing $295,000 of the $554,000 (General Fund) legislative augmentation for the Department of Justice The total amount of this augmentation is premature given that it is not expected that significant legal enforcement workload will exist in 1987–88. The $259,000 I am retaining will provide legal representation of the lead agency and legal advice to implementing departments. I am providing these funds by reducing related expenditures in other departments as follows. Health and Welfare Agency by $100,000, Department of Health Services by $54,000, State Water Resources Control Board by $50,000 and Department of Food and Agriculture by $55,000.

I am reducing the $266,000 (General Fund) legislative augmentation for the Department of Industrial Relations because the department has no separate, unique responsibilities under the Proposition Therefore, no significant increase in workload should be experienced by the Department of Industrial Relations as a result of the passage of Proposition 65. Funding for this department would duplicate funding provided elsewhere in this section.

I am deleting the $66,000 (General Fund) legislative augmentation for the Air Resources Board for technical assistance. These funds are not justified as the Board indicates that the activity for which they are intended can be absorbed within existing resources in 1987–88. The long term needs of the Board related to this activity should be assessed in the next budget cycle when the Board will have sufficient experience to project its needs.

The $11,683,000 which I have provided to implement the Safe Drinking Water and Toxic Enforcement Act of 1986 will ensure that the projected workload for Fiscal Year 1987–88 will be adequately addressed The agencies for which I have provided funding are appropriate and necessary for effective implementation of the Proposition. Although there may be some peripheral impact upon other agencies, the departments which will receive funding have been determined as the responsible entities by the Health and Welfare Agency and the funding level which I have proposed provides a full spectrum of implementation and enforcement activities

I am revising language in Section 23.00 to conform to these actions as follows

"SEC. 23.00 (a) The sum of ~~thirteen million one hundred forty-six thousand dollars ($13,146,000)~~ *twelve million one hundred twenty-seven thousand dollars ($12,127,000)* is hereby appropriated to the Controller in accordance with the following schedule

(1) ~~$7,715,000~~ *$6,696,000* from the General Fund.

(2) $1,270,000 from the Hazardous Waste Control Account.

(3) $4,161,000 from fees (reimbursements)

(b) Of the funds appropriated from the Hazardous Waste Control Account, $444,000 shall be transferred by the Controller to Item 4260-011-014 for support of state and local hazardous waste management planning. These funds shall not

be available for expenditure until after 30 days' notice to the legislative fiscal committees and to the Joint Legislative Budget Committee of the Department of Health Services' intention to encumber the funds.

(c) ~~Twelve million seven hundred two thousand dollars ($12,702,000)~~ *Eleven million six hundred eighty-three thousand dollars ($11,683,000)*, which is the balance of the amount appropriated by this section, shall be allocated by the Controller upon order of the Director of Finance, for the purpose of implementing the Safe Drinking Water and Toxic Enforcement Act of 1986 and in accordance with the schedules set forth in subdivisions (d), (e), (f), (g), and (h) to complete activities as identified. The amounts appropriated from the Hazardous Waste Control Account and fee reimbursements shall be allocated according to the schedules identified in the Department of Finance letter dated May 19, 1987.

(d) Scientific Functions. The sum of six million six hundred twenty-two thousand dollars ($6,622,000) shall be allocated in this category according to the following schedule:

Air Resources Board	$279,000
Department of Food and Agriculture	1,929,000
Department of Health Services	3,387,000
Health and Welfare Agency	253,000
State Water Resources Control Board	774,000

This allocation shall be consistent with the following priorities

(1) Priority 1: Policies and Guidelines. The first priority under this subdivision shall be for the Department of Health Services to update existing policies and guidelines to be used for assessing risks posed by cancer-causing substances; to develop policies and guidelines to be used for assessing risks posed by reproductive toxicants; and to develop policies and guidelines to be used for exposure assessment protocols These policies and guidelines shall, to the extent appropriate, incorporate procedures to assess risks from multiple routes of exposure from individual sources. These policies and guidelines shall be updated and developed under the direct supervision, and with the active participation, of staff with direct experience in such policy and guideline development, and who possess knowledge and expertise in the areas of carcinogenesis, reproductive toxicology, epidemiology, and the identification of exposures in the workplace and the environment.

(2) Priority 2. Listing of Chemicals (Scientific Advisory Panel). The second priority under this subdivision shall be for support of the activities of the Scientific Advisory Panel for the purpose of listing chemicals subject to the prohibitions of the Safe Drinking Water and Toxic Enforcement Act of 1986.

(3) Priority 3. Health Hazard Assessment. The third priority under this subdivision shall be for the Department of Health Services to develop chemical-specific health hazard assessments to be used for implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 The development of these health hazard assessments shall be based on the policies and guidelines updated or developed pursuant to Priority 1

(4) Priority 4. Permit and Pesticide Registration Review and Modification. The fourth priority under this subdivision shall be to review and revise permits and registrations relating to waste discharges, air emissions, and pesticide labeling requirements and use, consistent with the policies and guidelines updated or developed pursuant to Priority 1, with actions taken to list chemicals subject to the prohibitions of the Safe Drinking Water and Toxic Enforcement Act of 1986, and with the health hazard assessments developed pursuant to Priority 3.

(5) Priority 5 Safe Use Determinations. The last priority under this subdivision shall be the review and approval or denial of individual Safe Use Determinations based on regulations or guidelines consistent with policies and guidelines developed pursuant to Priority 1 and health hazard assessments developed pursuant to Priority 3

(e) Technical Assistance. The sum of ~~one million six hundred sixty-one thousand dollars ($1,661,000)~~ *one million four hundred sixty-two thousand dollars ($1,462,000)* is allocated for the purpose of providing technical assistance to the

general public, employees, chemical users, and local governmental entities in implementing the provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986. This allocation shall be subject to the following schedule:

Department of Health Services	$818,000
~~Department of Health Services for allocation to the HESIS Unit for technical assistance relating to occupational exposures~~	~~133,000~~
Department of Food and Agriculture	430,000
State Water Resources Control Board	214,000
~~Air Resources Board~~	~~66,000~~

(f) Monitoring and Enforcement. The sum of ~~three million one hundred forty thousand dollars ($3,140,000)~~ *two million four hundred eighty-three thousand dollars ($2,483,000)* is allocated for monitoring and enforcement of the provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986. The allocation shall be made according to the following schedule:

Department of Health Services	~~$498,000~~
	$444,000
Department of Food and Agriculture	~~971,000~~
	916,000
State Water Resources Control Board	887,000
Department of Justice	~~518,000~~
	236,000
~~Department of Industrial Relations~~	~~266,000~~

(g) Management and Support. The sum of ~~five hundred sixty/nine thousand dollars ($560,000)~~ *four hundred sixty-nine thousand dollars ($469,000)* is allocated for management and support for state agencies to implement the provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, as follows:

Department of Health Services	$152,000
Health and Welfare Agency	~~250,000~~
	150,000
State Water Resources Control Board	167,000

(h) Employee Reporting. The sum of ~~seven hundred ten thousand ($710,000)~~ *six hundred forty-seven thousand dollars ($647,000)* is allocated for assistance in state employee reporting requirements pursuant to Section 25180.7 of the Health and Safety Code, as provided in the Safe Drinking Water and Toxic Enforcement Act of 1986. This allocation shall be made according to the following schedule

Department of Fish and Game	$23,000
Department of Food and Agriculture	36,000
Department of Health Services	229,000
Office of Emergency Services	23,000
State Water Resources Control Board	~~363,000~~
	313,000
Department of Justice	~~36,000~~
	23,000

(i) The Department of Health Services shall consult with the State Water Resources Control Board, the Department of Food and Agriculture, and the Air Resources Board in the development of policies and guidelines updated or developed pursuant to Priority 1 of subdivision (d) and health hazard assessments developed pursuant to Priority 3 of subdivision (d).

(j) The Department of Health Services, by direction of the Health and Welfare Agency, shall work with other agencies and may enter into contracts with private parties for assistance in developing the health hazard assessments described in Priority 3 of subdivision (d).

(k) In the event that Safe Use Determinations are issued, they shall be based on the policies and guidelines updated or developed in Priority 1 of subdivision (d) and health hazard assessments developed in Priority 3 of subdivision (d)

(*l*) The Health and Welfare Agency shall develop a system to track the number and type of Safe Use Determinations that are developed by various agencies. To the extent feasible, the agency shall assist departments in avoiding duplication of effort in the development of Safe Use Determinations

(m) The Health and Welfare Agency shall prepare a schedule of fees to be paid by private parties in seeking to obtain Safe Use Determinations. The schedule of fees shall be set at a level sufficient to fund the total state cost of administering Safe Use Determinations requests.

~~(n) In the event that programs relating to worker protection are not available within the Department of Industrial Relations in the 1987/88 fiscal year to implement the provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, the Director of Finance shall report to the chairpersons of the legislative toxics policy committees and the fiscal committees on how the administration plans to discharge its responsibilities to protect workers pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986.~~

~~(o) Among the activities conducted by HESIS pursuant to subdivision (c) shall be the development of a worker notification and information dissemination program.~~

(p) In conjunction with the Governor's 1988–89 Budget, the Health and Welfare Agency shall report to the Legislature on activities of agencies in implementing provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986.

(q) To the extent that funds in this section need to be reallocated to implement priorities specified in subdivision (d), the Director of Finance shall do so after 30 days' notice to the Chairpersons of the Assembly Ways and Means Committee and the Senate Committee on Budget and Fiscal Review of his or her intention to provide for the reallocation."

Section 24.60—Lottery Reports. I revise this control section.

I am revising Section 24.60 to delete the requirement that the University of California, the Hastings College of the Law, and the California State University submit their reports on 1988–89 lottery expenditures by April 1, 1988 rather than by the November 1, 1988 deadline which applies to other State agencies. The April 1, 1988 deadline is in conflict with the voter-approved lottery initiative and statutory law, which require these monies to be expended by educational entities free of State control. I intend to uphold the wishes of the voters and statutory law in this regard.

I also am revising Section 24.60 to delete language prohibiting additional reports from being required of local educational agencies unless the report is specifically authorized by the Legislature. This language unduly restricts the Administration's ability to request data from recipients of lottery funds. I believe that the Administration should have the same flexibility as the Legislature to request information from school districts on how they are using their lottery funds.

"SEC. 24.60. From the funds appropriated in Items 5460-001-814, 6100-226-001, 6440-001-001, 6600-001-001, 6610-001-001, 6860-001-001 and 6870-101-001 of this act, the Department of the Youth Authority and the local education agencies through the Superintendent of Public Instruction, Regents of the University of California, Directors of Hastings College of the Law, Trustees of the California State University system, Board of Governors of the California Maritime Academy, and community college districts through the chancellor shall report to the Governor and the Legislature no later than November 1, 1988, the amount of lottery funds which each entity received and the purposes for which the funds were expended in the 1987–88 fiscal year, including administrative costs and proposed expenditures and purposes for expenditure for the 1988–89 fiscal year; ~~provided that the University of California, the Hastings College of the Law, and the California State University shall submit their reports on proposed expenditures on or before April 1, 1988~~. If applicable, the amount of lottery funds received on the basis of adult education ADA and the amount of lottery funds expended for adult education shall be reported. ~~No additional report shall be required of local educational agencies regarding the use of lottery funds unless that report is specifically authorized by the Legislature.~~"

Section 31.00—Related to the establishment of positions and compensation. I revise this control section.

It is the policy of this Administration that the California State University, and all State agencies for that matter, be required to abide by the standard employee

compensation process. I am, therefore, deleting the reference in this control section that would eliminate the prohibition from using funds appropriated for purposes other than employee compensation for employee compensation Therefore, I am deleting the reference to the California State University.

"SEC. 31.00. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code and Article 2.5 (commencing with Section 13332) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

The Director of Finance, or his or her authorized designee, shall notify the Chairperson of the Joint Legislative Budget Committee within 30 days of authorizing any position not authorized for that fiscal year by the Legislature or any reclassification to a position with a minimum step of $2,641 per month. He or she shall also report all transfers to blanket authorizations and the establishment of any permanent positions out of a blanket authorization.

All positions administratively established pursuant to this section during the 1987–88 fiscal year shall terminate on June 30, 1988, except that those positions which have been (a) included in the 1988–89 Governor's Budget as proposed new positions, or (b) approved by the Department of Finance and reported to the Legislature after the 1988–89 Governor's Budget submission to the Legislature, may be reestablished by the Department of Finance during the 1988–89 fiscal year, provided these positions are shown in the 1989–90 proposed Governor's Budget submitted to the Legislature, or in subsequent Department of Finance letters to the Legislature, and provided that these positions do not result in establishment of positions deleted by the Legisture through the 1988–89 budget process.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. A copy of this document shall be submitted to the Department of Finance upon request. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment and expenditures and accrued obligations for salaries and wages chargeable to the allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. This transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any 1987–88 fiscal year appropriation not appropriated for that purpose may be expended for increases in salary ranges or any other employee compensation action(s) unless the Department of Finance certifies to the salary and other compensation-setting authority prior to the adoption of these action(s) that funds are available to pay the increased salary or employee compensation resulting therefrom ~~; but this provision shall not apply to the California State University~~. Prior to certification, the Department of Finance shall determine whether this increase in salary range of employee compensation action will require supplemental funding in the 1988–89 fiscal year. If the Department of Finance determines that supplemental funding will be required, no certification shall be issued unless notification in writing is given by the Department of Finance, at least 30 days before certification is made, to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairperson

of the joint committee, or his or her designee, determines.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that these expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act."

Section 32.50—Local government block grant funds. I am retaining the legislative augmentation of $88,870,000.

These funds will be used to provide block grants to local governments. Because of the diverse needs of California counties, I believe it is appropriate to provide these funds to the counties to be used at their discretion. This allows each county to fund identified priority needs, such as health care delivery systems, including trauma centers; public safety; county matching requirements; or other essential county services.

I am troubled, however, by the language which specifies the formula to be used to appropriate the funds to local governments. It is my belief that the formula does not treat all counties equitably, particularly the small and rural counties. Therefore, I am willing to work with the Legislature to develop a more straightforward and impartial method to distribute the block grant funds provided in this section.

I am revising Control Section 32.50 as follows:

"SEC. 32.50. There is hereby appropriated from the General Fund the amount of eighty-eight million eight hundred seventy thousand dollars ($88,870,000) for payment to local jurisdictions ~~: Except as provided pursuant to subdivision (c), these funds shall be distributed as follows~~ :

(a) ~~Local jurisdictions, other than counties, or cities and counties, that received funds from the programs listed in subdivision (b) in the 1986/87 fiscal year, shall receive an amount of funds equal to 5.97 percent of the amount the local jurisdiction received in the 1986/87 fiscal year.~~ The Director of Finance shall certify to the State Controller the amount of discretionary block grant funds to be distributed to each local jurisdiction under this provision.

~~(b) The remaining amount shall be distributed to counties and cities and counties as discretionary block grants. The Director of Finance shall certify to the State Controller the amount of discretionary block grant funds to be distributed in lieu of a 5.97 percent cost-of-living adjustment for each of the following programs.~~

~~(1) Alcohol and drug programs.~~

~~(2) Medically indigent services programs.~~

~~(3) Local mental health programs, including special education pupils.~~

~~(4) Aid to Families with Dependent Children/Foster Care programs.~~

~~(5) Social services/county services block grant programs.~~

~~(6) Social services/employment programs.~~

~~(7) Social services/adoptions programs.~~

~~(8) Social services/community care licensing programs.~~

~~These funds shall be distributed as follows.~~

~~(A) 66.66 percent shall be allocated in the same proportions as each county's maximum allocation under Section 16702 of the Welfare and Institutions Code in the 1987/88 fiscal year.~~

~~(B) 16.67 percent shall be distributed in the same proportion as 1988/87 program allocations under the cited programs. The Director of Finance shall determine this proportion by dividing (a) the sum of the amounts each county was allocated in the 1986/87 fiscal year for each separate program by (b) the total allocations for all programs.~~

~~(C) 16.67 percent shall be distributed in the same proportion as the population of each county as estimated by the Department of Finance on July 1, 1987.~~

~~(D)~~ The Controller shall subvene these funds on or before January 1, 1988.

~~(c) The Department of Social Services shall establish a procedure which allows counties to verify that they have voluntarily provided a cost/of/living adjustment for foster care from funds provided pursuant to this section and to claim federal foster care cost/of/living adjustment funds available in Item 5180/181/890. The department shall also establish a procedure for auditing claims made by counties pursuant to this subdivision.~~

~~(d)~~ ~~(1)~~ When the Director of Finance determines that an allocation of money pursuant to subdivisions (a) and (b) would result in a jurisdiction having proceeds of taxes in excess of its appropriations limit pursuant to Article XIII B of the Constitution, the Director of Finance shall reduce the amount ~~computed pursuant to subdivisions (a) and (b)~~ accordingly.

~~(2)~~ In the case of a reduction pursuant to this subdivision, and if the electors of the local jurisdiction subsequently raise the 1987–88 fiscal year appropriations limit of the jurisdiction, the department shall certify a supplemental amount to the Controller by May 1, 1988. The Controller shall issue a warrant in that amount to the jurisdiction no later than June 30, 1988. In the case of a reduction pursuant to this subdivision where there is no certification of a supplemental amount to the Controller on or before May 1, 1988, the Controller shall distribute the amount of the reduction to all other counties and cities and counties ~~pursuant to the formula specified in subdivision (b)~~

~~(e) It is the intent of the Legislature that the funding formula established in this section shall be effective for one year only. It is the intent of the Legislature that, subject to the passage of a concurrent resolution, the Legislative Analyst shall prepare a report that reviews the various formulas which can be used to allocate discretionary COLA's for health, mental health, social services, and alcohol and drug programs. It is the intent of the Legislature that the concurrent resolution shall identify and specify the criteria which the Legislative Analyst shall use in reviewing the formulas.~~"

With the above deletions and reductions, I hereby approve Senate Bill No. 152.

GEORGE DEUKMEJIAN, Governor

4 I am deleting Section 2 from Assembly Bill No 2232

Section 2 contains an unspecified appropriation from the General Fund to the State Mandates Claims Fund to reimburse local agencies and school districts This appropriation is inappropriate because the authorization to permit food sales is permissive and does not impose a local mandate.

With this deletion, I approve Assembly Bill No 2232.

GEORGE DEUKMEJIAN, Governor

5 I am reducing the appropriation contained in Section 1 (b) of Assembly Bill No 1636 from $3,700,000 to $1,747,000.

The reduced appropriation will provide adequate funding for additional fire protection staff for the remainder of the fire season.

With this reduction, I approve Assembly Bill No. 1636

GEORGE DEUKMEJIAN, Governor

6 I am deleting the $115,800 appropriation contained in Section 8 of Senate Bill No. 526

This bill would establish a Medi-Cal patient abuse and neglect program in the Attorney General's Office to supplement enforcement activities by the State Department of Health Services and local law enforcement. It would also appropriate $115,800 from the General Fund for the program.

This is a very complex program proposal that involves the State Departments of Justice and Health Services, the federal government and at the local level, law enforcement agencies, the district attorneys office and the courts in each impacted county It is important that we develop a carefully coordinated program that is subjected to the normal budget process at each impacted governmental level.

With this deletion, I approve Senate Bill No. 526

GEORGE DEUKMEJIAN, Governor

7 I am deleting the $30,000 appropriation contained in Section 2 of AB 216

This bill would prohibit the State Fire Marshal from establishing or collecting a minimum fee for providing training to local fire services pertaining to the enforcement of state fire and life safety laws and regulations

The California Fire Services Training and Education Fund has a sufficient surplus this year to fund this program. I request that the Department of Finance and the State Fire Marshal work out the details of utilizing this fund to accomplish the goals of this legislation.

With this deletion, I approve Assembly Bill No. 216

GEORGE DEUKMEJIAN, Governor

8 While I am supportive of the concept of providing survivors' continuance benefits in conformity with relevant case law, I find use of the Public Employees' Retirement Fund's Reserve Against Deficiencies for ongoing costs related to a select group of annuitants to be unacceptable. Use of the Reserve Against Deficiencies indirectly would affect all employers' contributions to PERS, and those employers should not have to pay -- directly or indirectly -- for the ongoing costs of a single group that is associated with specific employers. I therefore delete the appropriation made in Section 1 of SB 706 (proposed as subdivision (f) of Section 21263 6 of the Government Code):

"(f) The cost of the additional benefits provided pursuant to the trial court decision in California State Employees Association, et al. v Board of Administration of the Public Employees' Retirement System et al. (Sacramento County Superior Court, Case No. 332315) shall be paid out of the reserve against deficiencies established by Section 20203."

With this deletion, I approve Senate Bill No. 706 and note that any benefit payments necessary under this measure still can be made from funds available to the PERS Board of Administration.

GEORGE DEUKMEJIAN, Governor

9 I am deleting the appropriation contained in Section 2 of this bill.

This bill would appropriate $225,000 out of the General Fund for the Office of Statewide Health Planning and Development to conduct a needs assessment study of the availability of dental, vision, and hearing care services to low-income seniors.

The demands placed on budget resources require all of us to set priorities The budget enacted in July 1987 appropriated nearly $41 billion in state funds This amount is more than adequate to provide the necessary essential services provided for by state government It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Therefore, I am asking the Office of Statewide Health Planning and Development to commence the needs assessment study this fiscal year utilizing resources from the California Health Data and Planning Fund and to request funding for the 1988–89 fiscal year from the same fund through the normal budget process.

With this deletion, I approve Assembly Bill No. 519

GEORGE DEUKMEJIAN, Governor

10 I am deleting the $30,000 appropriation contained in Section 4 of Senate Bill No 1188

This bill would appropriate $30,000 to the Department of Health Services to conduct a shellfish sampling and monitoring program in Humboldt Bay and prohibits the sale of such seafood if the study determines a threat to human health.

I approved a $1.3 million appropriation in 1985 to support a study of marine pollution and related health concerns. It is more appropriate to direct funds from this account for the proposed Humboldt Bay monitoring program rather than provide an additional appropriation.

With this deletion, I approve Senate Bill No. 1188

GEORGE DEUKMEJIAN, Governor

11 I am deleting the appropriation contained in proposed Education Code Section 69618.3 contained in Assembly Bill No. 27.

This bill would appropriate $105,000 to the Student Aid Commission to establish and administer the Engineering and Computer Science Doctoral Assistance Program. The purpose of the program is to award grants and loans to engineering and computer science doctoral students who commit to teach those subjects at a postsecondary institution.

Over the last three years, the state has provided premium salaries for selected faculty, including those in the subject matter fields of engineering and computer science. Also, the state currently provided over $3 million annually for Graduate Fellowships. These awards are based on need and are designed to emphasize fields where there are personnel shortages, including engineering and computer sciences.

Moreover, the demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 27.

GEORGE DEUKMEJIAN, Governor

12 I am deleting the $225,000 appropriation contained in Section 1 of Assembly Bill No. 186.

This bill would appropriate $225,000 from the General Fund to the Department of Food and Agriculture for the purpose of eradicating white garden snail in San Diego County.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 186.

GEORGE DEUKMEJIAN, Governor

13 I am deleting the appropriations contained in Section 2 of Assembly Bill No. 909.

This bill would appropriate $50,000 in the 1987–88 Fiscal Year from the General Fund to the Department of Aging Linkages program to establish a new Linkages site in an underserved, rural site.

The 1987 Budget Act provides $3.9 million to support the thirteen site facilities in the Linkages Program. While I am supportive of this pilot program which provides case management of elderly persons at risk of placement in a long term care facility, it is due to be evaluated by the Department of Aging by March of 1988. I believe it is premature to pursue additional program sites until we have the benefit of a program evaluation to determine the effectiveness of the Linkages Program as a component of long term care services.

Moreover, the demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No 909.

GEORGE DEUKMEJIAN, Governor

14 I am deleting the $635,000 appropriation contained in Section 3 of Assembly Bill No. 1397.

This bill would appropriate $635,000 (General Fund) to the Department of Health Services for an expansion of the Birth Defects Monitoring Program into 20 additional counties. The bill also requires the development of a report on the feasibility of expanding the program to Los Angeles County.

The existing Birth Defects Monitoring Program covers 37 counties and has a current year appropriation of $3,286,000. An evaluation of the existing program has been recently completed. There has not been sufficient time, though, to fully review and evaluate the benefits of the program to determine if the proposed expansion is appropriate

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No 1397

GEORGE DEUKMEJIAN, Governor

15 I am deleting the $240,000 appropriation contained in Section 2 of Assembly Bill No 1597.

This bill would appropriate $240,000 to the University of California Regents, subject to their approval, to establish the California Center for Cooperatives. The purpose of the center would be to facilitate and enhance the development of cooperatives, both agricultural and consumer, through various activities.

The demands placed on budget resources require all of us to set priorities The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 1597.

GEORGE DEUKMEJIAN, Governor

16 I am deleting the appropriations contained in proposed Welfare and Institutions Code Section 9512 (a) and (b) contained in Assembly Bill No. 1772.

This bill would require the Department of Aging to establish a three year pilot volunteer service credit program in which individuals may volunteer their services in exchange for service credits which may be exchanged for services when needed. It also appropriates $240,000 General Fund to establish four pilot projects.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 1772.

GEORGE DEUKMEJIAN, Governor

17 I am deleting the $240,000 appropriation contained in Section 2.(k) of Senate Bill 1042.

This bill would appropriate $240,000 from the General Fund for allocation to four designated counties. These counties would establish an eighteen-month pilot program authorizing their office of public guardian to contract and obtain financial management services for seniors.

The demands placed on budget resources require all of us to set priorities The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No. 1042.

GEORGE DEUKMEJIAN, Governor

18 I am deleting the $100,000 appropriation contained in Section 3 of Senate Bill 1360.

This bill appropriates $100,000 from the Foster Children and Parent Training Fund to the Legislative Analyst to contract for a comparative study to evaluate the effectiveness of foster youth services programs offered in four school districts. If the programs are found to be cost effective, moneys are to be made available from the Foster Children and Parent Training Fund to expand the programs to other districts beginning in the 1989–90 fiscal year.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No. 1360.

GEORGE DEUKMEJIAN, Governor

19 I am deleting the $200,000 appropriation contained in Section 3 of Senate Bill No. 1410.

This bill would appropriate $200,000 to the Office of Emergency Services (OES) for furthering comprehensive earthquake preparedness in San Diego and Imperial Counties.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No. 1410.

GEORGE DEUKMEJIAN, Governor

20 I am deleting the $150,000 appropriation contained in Section 2 of Assembly Bill 78.

This bill would require the Department of Health Services to conduct a survey of imported foods to determine the extent to which they contain contaminants of health concern

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit

With this deletion, I approve Assembly Bill No. 78.

GEORGE DEUKMEJIAN, Governor

21 I am deleting the $240,000 appropriation contained in proposed Education Code Section 99106 contained in Assembly Bill No. 1820.

This bill would create the Human Corps within the University of California and the California State University, and would encourage students to participate in the Human Corps by providing an average of 30 hours of community service in each academic year.

Both the University of California and the California State University have ongoing student volunteer community service activities. The administrative structure is in place to accommodate activities proposed by this bill. No additional funds are required.

With this deletion, I approve Assembly Bill No. 1820.

GEORGE DEUKMEJIAN, Governor

22 I am deleting the appropriations contained in Section 3(a) and (b) of Assembly Bill 2509.

This bill would appropriate up to $100,000 from the Asbestos Abatement Fund to the Department of Industrial Relations for reinspection of school facilities It would also make changes in eligibility requirements for schools to qualify for financial aid from the State Asbestos Abatement Fund.

Since the Federal Environmental Protection Agency is conducting the reinspectiohn of schools for presence of asbestos, the appropriation contained in this bill is not necessary.

With this deletion, I approve Assembly Bill No. 2509.

GEORGE DEUKMEJIAN, Governor

23 I am deleting the $55,000 appropriation contained in Section 2 of Assembly Bill No 2330.

This bill would appropriate $55,000 to the Department of the Youth Authority to establish a visitor center at the Northern California Youth Center in Stockton.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit

With this deletion, I approve Assembly Bill No. 2330.

GEORGE DEUKMEJIAN, Governor

24 I am reducing the appropriation contained in Section 1 (a) of Senate Bill No. 1310 from $49,649,834 to $48,699,834.

I am reducing the $1,900,000 appropriation in Schedule (8) to $950,000. This money is for reimbursement to school districts of the costs to inspect school buildings for friable asbestos. The Education Code provides for reimbursement for similar activities on a dollar-for-dollar match basis. Had the districts that are provided for in this bill applied under the Education Code for reimbursement, the maximum reimbursement received would have been an amount equal to one-half of the local funds spent for asbestos inspection activities. Therefore, it would seem reasonable and consistent that any amount appropriated for reimbursement to districts, be equivalent to the amount of reimbursement that the districts would otherwise have received under statute.

With this reduction, I approve Senate Bill No. 1310.

GEORGE DEUKMEJIAN, Governor

25 I am deleting the $55,000 appropriation contained in Welfare and Institutions Code Section 5405 (5) (g) of Senate Bill No. 240.

This appropriation is for the Office of the Attorney General, and is intended to cover their costs in representing the Department of Mental Health in appeal cases.

While it is likely that appeal activities will occur, I believe that an appropriation for the Attorney General's Office at this time is premature. Funds necessary for appeal activities should be addressed in the Department of Mental Health's budget through the normal budgetary process.

With this deletion, I approve Senate Bill No. 240.

GEORGE DEUKMEJIAN, Governor

26 I am deleting the $500,000 appropriation contained in Section 2 of Assembly Bill No. 974.

This bill would appropriate $500,000 from the General Fund to the Regents of The University of California for the purpose of conducting research relating to the effect of lifestyle changes on coronary heart disease.

This bill would make legislative findings and declarations regarding coronary heart disease and a study being conducted at the Preventive Medicine Research Institute of the School of Medicine, University of California, San Francisco, and at Pacific Presbyterian Medical Center, and would find that funds are needed to complete this research.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 974.

GEORGE DEUKMEJIAN, Governor

27 I am deleting the $500,000 appropriation contained in Section 5 of Assembly Bill 2503.

This bill would impose new drug cleanup fines, which would be deposited into a new Clandestine Drug Lab Clean-Up Account. The bill would appropriate $500,000 (General Fund) to the Department of Health Services for cleanup of hazardous wastes at seized or abandoned clandestine drug labs.

There are already other funding sources which can be used for cleanups of this kind. I believe these other sources are sufficient to support the costs of these cleanups until the new fines and penalties are available for distribution.

With this deletion, I approve Assembly Bill 2503.

GEORGE DEUKMEJIAN, Governor

28 I am deleting $20,000 appropriation contained in Section 3 of Assembly Bill No. 2016.

This bill would require the California Postsecondary Education Commission to report by January 1, 1989, on state options for funding higher education based on assessment of students and programs, on value-added, or similar performance, or incentive funding measures. Also, this bill contains a $20,000 appropriation to fund the study.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No 2016.

GEORGE DEUKMEJIAN, Governor

29 I am deleting the $8,266 appropriation contained in Section 5 of Assembly Bill No. 686.

This bill recasts existing law with respect to hemodialysis technicians and their training requirements. This bill contains an $8,266 appropriation.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89 It is appropriate to review the relative merits of this program in comparison to all other funding projects The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 686.

GEORGE DEUKMEJIAN, Governor

30 I am deleting the $1,050,000 appropriation contained in Section 3 of Senate Bill No 156.

This bill requires that the Maternal and Child Health Branch of the Department of Health Services conduct a three year, five county pilot project to examine the effects of daily ambulatory uterine monitoring on Medi-Cal beneficiaries. This bill would also appropriate $1,050,000 from the General Fund.

The demands placed on budget resources require all of us to set priorities The budget enacted in July, 1987 appropriated nearly $41 billion in state funds This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No. 156

GEORGE DEUKMEJIAN, Governor

31 I am deleting the $120,000 appropriation contained in Section 2 of Senate Bill No. 500.

This bill would require the Department of Social Services to establish a respite care project for fiscal Year 1988–89, in Orange and San Diego Counties, to provide respite care services for handicapped children currently receiving services through the Aid to Families with Dependent Children-Foster Care program.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provided the necessary essential services provide for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit

With this deletion, I approve Senate Bill No. 500.

GEORGE DEUKMEJIAN, Governor

32 I am deleting the $200,000 appropriation contained in Section 15 of Senate Bill No 53

Section 15 would add Item 3790-102-742 to the Budget Act of 1987 (Chapter 135, Statutes of 1987) appropriating $200,000 from the State, Urban, and Coastal Park Fund to the County of Riverside, Jenson-Alvarado Ranch for local assistance. I had previously deleted a similar appropriation from Item 3790-101-036 of the Budget Act of 1987 (Chapter 135, Statutes of 1987).

Counties and other local agencies have already received $100 million from the State, Urban and Coastal Park Fund for local park projects. I believe that any money remaining in this fund should be used for state park projects

With this deletion, I approve Senate Bill No. 53.

GEORGE DEUKMEJIAN, Governor

33 I am deleting the $50,000 appropriation contained in Section 4 and the $400,000 appropriation contained in Section 5 of Senate Bill No. 482.

This bill would appropriate $450,000 to create a new state program entitled the Families for Literacy Program This program would provide assistance to adults, and to children up to the age of five years, to prevent illiteracy.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit

With this deletion, I approve Senate Bill No. 482.

GEORGE DEUKMEJIAN, Governor

34 I am deleting the $535,000 appropriation contained in Section 11 of Senate Bill No. 605.

K-12 schools are now receiving over $20 billion from all sources, including $19,750,000 to fund a number of existing programs designed to prevent school dropouts. These funds should be sufficient to provide necessary educational services without placing additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweight the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No. 605.

GEORGE DEUKMEJIAN, Governor

35 I am deleting the following appropriations contained in Section 11 of Senate Bill 1508.

SEC. 11. Item 3790-102-036

Schedule:

(7) California Academy of Sciences $1,500,000

(31) City of Los Angeles, Highland-Camrose Bungalows $500,000

The deleted projects are included in AB 1675 which I have just approved.

With this deletion, I approve SB 1508.

GEORGE DEUKMEJIAN, Governor

36 I am reducing the appropriation contained in Section 6 of Senate Bill No. 201 from $30,000 to $17,000.

I am taking this action because the Board of Podiatric Medicine has indicated that $17,000 is the appropriate funding level to implement this program.

With this reduction, I approve Senate Bill No. 201.

GEORGE DEUKMEJIAN, Governor

37 I am deleting the $150,000 appropriation contained in Section 4 of Assembly Bill No. 7.

This bill would establish the Rosenthal-Farr Motion Picture Marketing Act of 1987, to increase marketing efforts by local communities to the motion picture industry.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 7.

GEORGE DEUKMEJIAN, Governor

38 I am deleting the $200,000 appropriation contained in Section 4 of Senate Bill No. 1269.

This bill authorizes the Department of Food and Agriculture Director to utilize state foreign trade offices or contract with persons in a foreign country to provide marketing services to promote the sale of California's agricultural projects in that country and appropriates $200,000 for implementation.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This

amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89 It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No 1269.

GEORGE DEUKMEJIAN, Governor

39 I am deleting the $130,000 appropriation contained in Section 6 of Senate Bill No 1528.

While I agree with the concept of funding this worthy drug prevention effort, it is inappropriate for the Legislature to mandate specific expenditures of discretionary funds The Department of Alcohol and Drug Programs has existing authority to allocate those funds.

Therefore, I am asking the Department to fund this program out of existing resources.

With this deletion, I approve Senate Bill No. 1528.

GEORGE DEUKMEJIAN, Governor

40 I am deleting the $150,000 appropriation and the intent language contained in Section 3 of Senate Bill No. 1582.

This bill would authorize the establishment of a nonresidential treatment program with a marine environment component for juvenile offenders in Monterey County on a 2-year pilot basis. This bill would appropriate $150,000 from the General Fund to the Department of Youth Authority for allocation to Monterey County for this purpose.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Senate Bill No. 1582.

GEORGE DEUKMEJIAN, Governor

41 I am reducing the General Fund appropriation contained in Section 1(c) of Assembly Bill No. 432 from $3,583,978.86 to $3,202,471.37 by removing the attorney fees claim for Public Advocates, Inc This claim should be paid from the Agriculture Fund rather than the General Fund.

With this reduction, I approve Assembly Bill No. 432.

GEORGE DEUKMEJIAN, Governor

42 I am deleting $1,289,000 of the $2,789,000 appropriation contained in Section 13 of Senate Bill 1583 Of this amount, I am reducing $1,000,000 from the allocation for legalization services and $289,000 from the allocation for technical assistance.

This bill would require the Superintendent of Public Instruction to develop a test to measure the English and citizenship proficiency of eligible aliens under the Immigration Reform and Control Act (IRCA). In addition, the bill allows the Health and Welfare Agency to contract with various nonprofit organizations to assist aliens applying for residency under IRCA.

I fully support aliens becoming lawful residents of California Information from INS suggests, however, that only a small percent of those eligible have been able to file for residency through nonprofit organizations. I believe the $1 5 million approved will allow these community organizations to provide help to aliens who might not otherwise take advantage of the Amnesty Program.

With this deletion, I approve Senate Bill No. 1583.

GEORGE DEUKMEJIAN, Governor

43 I am deleting the $200,000 appropriation contained in Section 2 of Senate Bill No. 1647.

This bill would appropriate $200,000 to support the University of California Institute for Manufacturing and Automation.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July, 1987 appropriated nearly $41 billion in state funds. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

Thus, after reviewing this legislation, I have concluded that its merits do not sufficiently outweigh the need this year for funding top priority programs and continuing a prudent reserve for economic uncertainties.

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1988–89. It is appropriate to review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit

With this deletion, I approve Senate Bill No. 1647.

GEORGE DEUKMEJIAN, Governor

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1987

1987–88 REGULAR SESSION



CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
3	120	126	223	257	1095
5	574	128	224	258	1226
7	1479	129	918	268	16
20	258	132	274	272	96
22	17	139	1	274	101
23	271	141	148	279	596
25	31	142	638	285	640
27	1194	146	542	286	641
28	79	155	2	290	127
29	727	156	452	292	504
34	272	158	820	293	38
41	492	165	123	295	597
45	486	168	124	297	261
46	41	170	639	299	225
47	48	173	43	306	136
50	121	175	848	317	231
51	256	177	37	320	556
53	1138	178	259	324	49
55	6	180	125	327	97
56	383	181	159	329	183
57	1352	182	468	333	1096
58	728	186	1195	336	811
60	186	188	1224	340	81
61	122	191	341	344	1202
62	525	194	729	353	810
63	1277	195	26	361	86
66	160	201	53	362	128
70	439	207	342	365	1097
71	19	211	451	366	505
74	8	213	555	370	598
75	1284	214	1225	371	155
78	1244	216	672	375	919
80	82	217	182	376	255
84	878	221	205	377	1361
85	965	222	595	380	920
86	541	223	469	382	343
90	1360	226	1143	386	163
93	917	228	89	387	149
94	45	229	1144	392	46
97	1091	231	821	393	344
99	384	234	1326	395	1098
101	594	239	1463	397	506
107	42	240	275	405	345
108	1093	241	470	408	966
111	5	242	242	409	243
114	1094	244	276	413	599
116	467	247	730	414	507
121	158	250	543	415	50
123	23	251	636	416	1362
125	273	254	126	423	226

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
426	1363	567	5 1	711	471
427	731	568	2'9	713	194
428	84	569	4[illegible]4	714	232
429	385	570	203	715	513
430	1481	574	[illegible]7	719	681
432	1490	575	10[illegible]8	721	560
434	879	576	1''9	727	190
438	642	577	[illegible]2	730	647
439	134	579	13[illegible]4	731	54
443	544	580	9''2	732	102
444	967	583	''4	733	1146
445	1099	585	13[illegible]5	736	111
446	204	586	14[illegible]9	740	741
450	803	594	[illegible]4	743	742
453	804	597	3[illegible]7	744	55
454	921	601	1[illegible]2	746	829
458	185	606	6[illegible]3	747	975
460	732	609	2[illegible]0	751	75
461	849	614	5[illegible]8	752	1051
462	257	616	12''8	753	348
463	184	617	2[illegible]1	758	103
464	150	622	3[illegible]6	759	1052
466	324	624	2[illegible]2	761	112
472	138	629	2[illegible]3	763	76
479	32	630	6[illegible]4	766	1147
480	133	631	7[illegible]7	770	1367
483	557	632	5[illegible]5	774	161
485	110	637	5[illegible]9	776	743
491	508	638	4 2	777	1327
492	90	642	9''3	779	263
495	277	644	5[illegible]5	781	881
497	129	645	13[illegible]6	782	1368
498	600	647	8[illegible]2	783	546
502	968	648	6[illegible]5	786	472
506	509	650	12[illegible]6	788	744
509	144	651	9[illegible]2	791	388
516	969	652	5[illegible]2	793	195
519	809	658	1[illegible]3	794	1053
526	822	661	7[illegible]8	797	284
530	510	664	11[illegible]0	798	131
533	85	666	5[illegible]9	800	24
534	487	667	7[illegible]9	802	1279
535	733	668	7[illegible]6	804	561
536	734	669	[illegible]5	805	1276
538	278	670	6[illegible]6	813	1410
541	970	675	1[illegible]9	815	349
543	1285	676	8[illegible]0	816	1287
546	971	677	11[illegible]5	820	350
547	12	678	7[illegible]0	823	1148
548	735	679	[illegible]5	826	39
550	178	684	9''4	828	1100
551	736	686	12''7	833	145
553	346	688	11[illegible]1	835	648
554	61	689	10[illegible]9	839	1411
556	323	690	3[illegible]7	842	1054
560	130	692	1[illegible]1	843	562
561	453	696	10[illegible]0	844	1288
566	67	708	9[illegible]3	845	563

Assembly Bill	Chapter
846	238
848	1493
852	180
853	1317
860	514
861	413
862	91
864	882
865	1055
866	1274
873	976
874	547
876	564
878	139
879	285
880	227
885	745
890	181
891	548
892	1412
893	769
894	1227
896	488
900	1228
906	137
909	1196
911	1056
913	549
915	1057
918	98
920	389
926	390
927	287
929	883
933	526
937	176
939	177
940	51
941	850
942	66
943	1464
944	1467
946	1369
952	1414
954	414
957	455
958	1328
959	244
960	601
961	189
970	351
972	1329
974	1283
976	1101
989	977
991	196
992	1193
995	493
996	286
998	1229
999	1257
1000	52
1002	391
1004	978
1006	602
1007	172
1008	884
1012	746
1013	78
1017	1102
1018	113
1023	603
1024	649
1031	415
1032	72
1036	851
1037	515
1039	392
1040	489
1041	288
1043	516
1044	352
1045	747
1046	748
1049	353
1053	202
1054	703
1059	1415
1062	1497
1064	473
1068	704
1069	354
1073	705
1074	517
1076	924
1084	474
1087	1103
1088	749
1093	1370
1094	979
1101	475
1102	416
1103	355
1106	476
1107	114
1109	1330
1113	1230
1114	830
1121	289
1122	750
1123	1058
1126	1059
1128	980
1129	770
1131	925
1132	576
1133	679
1135	527
1137	73
1144	151
1145	1104
1147	1105
1152	706
1153	477
1155	393
1156	478
1162	604
1167	605
1171	356
1173	1201
1174	57
1175	77
1178	1371
1180	357
1183	290
1184	813
1189	1231
1191	981
1207	479
1208	982
1209	291
1213	36
1217	292
1220	606
1222	201
1223	1232
1226	807
1243	607
1245	92
1248	93
1251	1149
1255	1106
1257	1331
1258	1482
1261	1416
1265	1060
1269	751
1275	173
1280	1264
1282	528
1284	1332
1285	885
1287	228
1289	132
1291	480
1293	293
1298	1275
1300	1150
1305	550
1307	294
1308	1417
1309	152
1311	417
1312	295

Assembly Bill	Chapter
1313	296
1317	608
1325	1061
1326	418
1328	174
1329	1062
1330	394
1334	358
1341	518
1344	359
1353	456
1355	983
1359	1418
1362	1107
1366	297
1369	99
1371	1385
1375	1233
1379	752
1387	707
1389	175
1394	9
1396	94
1397	1197
1400	166
1401	395
1404	298
1407	753
1409	708
1410	984
1413	1372
1420	709
1424	1419
1426	299
1432	710
1440	100
1441	1420
1442	551
1449	1108
1454	360
1455	300
1456	1109
1459	711
1462	754
1466	755
1468	609
1472	361
1474	197
1475	814
1482	1421
1483	1272
1486	985
1487	756
1488	650
1493	58
1494	301
1496	481
1501	1234
1503	396
1506	1422
1510	1373
1515	1063
1516	712
1519	167
1528	1152
1529	302
1530	1203
1531	610
1532	1324
1541	913
1542	1423
1544	1151
1545	104
1551	1318
1554	926
1555	1064
1557	325
1559	611
1560	757
1569	612
1573	856
1578	1423
1581	1465
1584	771
1586	956
1589	1065
1590	482
1593	529
1594	1153
1597	1198
1599	758
1600	927
1607	552
1611	303
1612	713
1613	483
1614	198
1615	887
1622	530
1629	987
1630	260
1631	419
1632	531
1633	759
1636	333
1637	270
1641	760
1650	1243
1652	532
1654	199
1667	1333
1671	540
1672	714
1673	715
1674	163
1675	1403
1676	420
1678	200
1679	1045
1680	761
1681	928
1683	762
1684	763
1686	815
1687	1289
1689	680
1699	651
1700	1154
1703	169
1704	1066
1705	1325
1712	68
1718	831
1723	1374
1726	1334
1728	1110
1729	484
1731	1247
1733	1353
1735	1111
1737	929
1741	485
1742	930
1748	397
1752	421
1756	852
1757	682
1759	832
1761	931
1765	1248
1768	264
1770	764
1771	833
1772	1199
1773	988
1774	422
1782	1468
1784	1290
1788	362
1795	888
1796	652
1798	1067
1803	1291
1807	1424
1808	233
1820	1245
1822	265
1826	1068
1828	457
1834	816
1835	853
1839	1259
1855	533
1857	1335

Assembly Bill	Chapter
1858	363
1859	989
1863	653
1864	1425
1865	945
1867	188
1874	765
1878	766
1880	889
1885	1112
1888	1426
1889	834
1893	1292
1894	683
1896	1261
1897	932
1909	1204
1910	239
1912	1205
1916	892
1919	56
1920	164
1923	534
1925	458
1926	990
1928	1249
1930	893
1937	229
1938	716
1940	654
1941	1250
1945	95
1947	1069
1951	1427
1952	1316
1956	1336
1959	686
1961	1337
1965	1338
1972	991
1974	304
1985	459
1996	553
2001	535
2006	717
2008	718
2009	1428
2011	1113
2015	326
2016	1296
2028	1114
2036	933
2042	327
2047	1235
2048	613
2053	835
2056	894
2057	1280
2061	1136
2068	266
2069	83
2071	170
2072	328
2078	890
2081	490
2089	934
2090	1070
2095	854
2096	536
2098	719
2109	891
2120	1262
2142	1155
2144	1469
2147	836
2149	460
2151	1429
2156	554
2158	565
2162	491
2165	1236
2167	837
2169	329
2170	1354
2173	364
2175	187
2179	935
2182	365
2183	768
2192	330
2195	1115
2196	1251
2202	767
2204	936
2210	1116
2214	1263
2222	1142
2228	305
2232	331
2233	1156
2234	838
2235	230
2241	1494
2242	839
2245	720
2248	1071
2249	721
2250	895
2254	840
2270	1430
2272	722
2274	1237
2275	1072
2278	855
2282	577
2284	723
2288	1117
2294	1431
2298	614
2308	615
2310	1047
2313	306
2316	578
2320	566
2329	567
2330	1269
2332	896
2335	1073
2336	1118
2347	69
2355	234
2356	992
2358	841
2364	616
2367	937
2375	655
2382	568
2384	1293
2385	856
2386	1484
2391	569
2394	907
2399	842
2400	1074
2402	724
2414	570
2416	1157
2420	307
2423	171
2425	140
2432	938
2434	1075
2437	685
2441	423
2442	702
2444	571
2446	308
2447	398
2448	1319
2449	617
2450	519
2452	461
2462	462
2466	1076
2467	1119
2475	366
2477	618
2480	1077
2481	1339
2483	619
2488	993
2489	914
2490	1432
2501	424

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
2503	1295	2566	814	2635	1192
2504	939	2568	573	2636	725
2505	1258	2569	102	2639	1434
2509	1254	2574	636	2645	367
2519	1158	2576	1228	2651	994
2522	845	2588	1212	2655	995
2523	846	2590	942	2656	1122
2528	572	2594	1470	2657	10
2529	817	2606	1340	2659	310
2530	520	2609	915	2663	59
2531	1078	2616	1208	2666	311
2538	843	2621	1079	2668	1466
2540	1375	2625	1423	2670	1253
2547	940	2627	309	2671	1294
2557	941	2628	1150	2676	312
2559	115	2629	1151		
2562	847	2633	916		

SENATE BILLS

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
3	4	159	368	300	690
10	332	161	1436	303	443
12	1240	166	314	306	909
14	1273	167	857	308	1304
16	1435	169	369	310	317
18	165	171	1437	311	88
21	14	183	427	312	1213
23	1209	184	1080	316	1081
24	463	190	210	319	948
29	156	191	401	320	370
40	1298	199	15	321	213
47	908	200	1320	324	494
53	1358	201	1413	326	438
54	13	204	774	331	1282
55	425	206	1126	338	1305
56	20	208	1127	339	105
57	996	212	1161	341	495
61	7	213	775	342	1407
69	997	214	944	345	579
73	1125	221	776	347	1306
75	34	222	777	349	1082
78	440	223	315	351	1345
79	657	224	521	355	897
82	116	227	1386	357	1092
92	333	230	70	358	117
94	33	231	1341	359	1000
95	267	233	153	360	522
98	399	236	44	361	252
99	1265	240	1271	362	1163
100	313	241	1498	363	402
101	18	243	1485	364	1321
102	441	244	778	366	791
103	442	245	1302	369	428
104	251	246	464	370	1164
107	692	247	691	371	1001
108	1123	248	60	372	1002
113	658	249	1342	373	340
114	943	252	998	375	1384
115	1299	255	1499	379	1003
116	426	262	1303	380	1004
117	1159	264	946	381	1005
121	1300	266	779	384	949
123	28	270	858	402	1006
128	772	272	21	404	141
133	22	273	947	405	47
135	773	279	1255	409	248
138	157	281	1343	411	859
142	786	284	465	412	1438
146	35	285	71	414	523
151	1301	286	999	415	1083
152	135	287	154	418	215
155	400	288	63	423	860
156	1350	290	316	424	107
157	1160	295	1162	425	687
158	87	298	1344	426	429

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
428	1165	562	211	721	620
432	318	563	320	723	862
433	3	566	432	731	241
434	1046	570	1442	733	689
435	1376	571	1378	734	501
438	1166	572	1139	736	1021
444	403	574	339	738	1214
445	780	576	1323	739	1472
447	404	579	819	740	29
449	1377	582	1379	742	582
450	496	586	208	743	693
456	1322	587	537	744	216
457	688	588	795	748	373
460	466	589	785	750	1085
461	781	591	950	751	143
464	1439	592	250	755	910
465	1007	593	783	757	433
466	1008	596	861	758	694
473	219	597	1266	760	1022
474	40	600	1084	764	583
475	1009	601	1015	766	1171
476	1307	602	1016	770	1023
477	1167	605	1405	772	1504
479	1440	608	321	775	240
480	818	609	146	779	863
481	1010	613	322	784	1128
482	1359	615	794	787	787
484	405	619	249	788	1445
486	1011	622	951	789	621
487	444	628	445	791	1215
490	1441	630	823	793	118
497	218	631	1017	797	222
498	673	633	1018	799	406
499	497	634	793	803	1024
500	1351	639	247	811	584
506	430	641	1443	813	1025
512	1281	642	1308	816	864
514	1012	646	1444	817	1172
515	1013	650	952	818	695
517	800	652	784	827	661
518	142	656	1019	828	865
519	1346	657	898	831	212
522	1471	661	674	832	900
523	319	668	659	834	1310
524	799	687	499	835	1387
526	637	689	147	837	1388
530	782	690	11	839	1173
531	1168	691	1020	843	866
535	796	692	824	845	207
537	371	694	1309	847	1380
540	1124	699	538	850	1267
543	1014	702	899	851	622
544	498	706	806	856	1026
545	1169	709	1211	857	30
547	524	713	580	867	696
556	1170	716	500	871	254
560	372	718	581	877	1027
561	431	719	660	885	214

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
887	901	1053	1087	1216	828
897	1028	1054	954	1218	665
898	502	1057	1454	1219	1459
900	1216	1062	827	1220	666
904	1446	1063	1210	1221	667
905	1311	1067	1256	1223	1219
906	1389	1069	1034	1224	1397
907	1086	1072	592	1227	873
908	1129	1073	1349	1229	904
914	1390	1074	1175	1234	1040
915	1347	1075	955	1238	1180
916	1381	1083	956	1243	1460
917	1348	1091	593	1244	684
918	585	1093	1035	1246	874
922	662	1095	1131	1247	434
927	334	1100	1176	1249	1398
931	108	1106	245	1252	377
935	663	1107	246	1253	435
939	586	1110	1496	1261	1447
940	587	1111	1177	1264	668
941	588	1115	1217	1266	1181
942	1391	1123	805	1269	1480
943	1174	1130	376	1277	1448
945	589	1131	1395	1279	1182
947	407	1132	1133	1284	1313
948	590	1133	902	1286	669
950	867	1134	1455	1290	957
952	1029	1137	1212	1294	436
953	1030	1140	1456	1297	1355
955	206	1141	1036	1298	1314
961	1392	1142	623	1301	1461
962	446	1143	1088	1303	1183
965	237	1147	1178	1310	1270
967	217	1148	1239	1311	905
971	868	1149	870	1312	624
972	1031	1150	119	1315	220
975	697	1151	1037	1317	378
978	825	1154	1218	1324	875
981	262	1162	1396	1330	625
982	675	1166	1038	1337	1184
983	374	1167	1089	1338	1399
985	869	1168	798	1339	1090
990	1312	1173	903	1343	335
998	1452	1175	664	1344	1185
1001	911	1176	1132	1346	676
1008	1393	1180	912	1347	1473
1012	953	1181	447	1348	1186
1014	1032	1184	1179	1353	409
1017	802	1188	906	1355	958
1020	1033	1189	871	1357	1356
1024	1453	1191	1457	1358	1382
1026	1130	1194	408	1360	1242
1030	826	1195	1458	1364	1400
1036	375	1196	1039	1365	1041
1037	1501	1205	268	1371	1462
1042	1241	1209	1134	1377	1187
1049	591	1211	872	1378	959
1052	1394	1213	797	1380	960

Senate Bill	Chapter
1382	1200
1385	1401
1386	1220
1395	677
1396	437
1406	1474
1409	1260
1410	1243
1411	1475
1413	1402
1414	678
1415	1403
1416	1137
1418	410
1419	698
1423	411
1431	670
1438	876
1440	1042
1442	1315
1443	626
1452	379
1453	380
1456	235
1457	671
1458	1476
1462	790
1464	627
1466	808
1467	1495
1471	209
1472	269
1473	1383
1477	1357
1478	1188
1479	628
1482	789
1484	629
1485	788
1486	1189
1488	1043
1501	630
1503	699
1507	635
1508	1408
1510	961
1514	448
1515	253
1518	631
1526	1206
1528	1488
1536	962
1537	336
1541	700
1544	1190
1546	877
1547	632
1554	801
1556	1492
1557	1449
1558	449
1559	1135
1568	963
1573	503
1581	337
1582	1489
1583	1491
1587	450
1588	964
1589	701
1590	1477
1591	1450
1597	381
1598	1207
1601	1486
1603	1451
1605	1221
1608	1222
1618	1487
1620	1044
1623	792
1624	382
1629	1404
1630	633
1634	236
1637	1502
1639	106
1645	1503
1647	1500
1654	1191
1660	1223
1674	1478
1682	221
1683	634
1684	1268
1690	80

ASSEMBLY CONCURRENT RESOLUTIONS

ACR	Resolution Chapter	ACR	Resolution Chapter	ACR	Resolution Chapter
1	41	28	21	60	90
2	32	30	50	61	37
3	48	31	34	62	30
4	86	34	17	64	77
5	52	35	129	65	130
6	24	36	87	67	107
7	101	38	18	68	91
8	42	39	102	69	56
9	4	41	103	70	108
10	49	43	104	72	118
11	62	44	35	75	45
15	53	45	44	80	131
16	8	46	105	81	132
17	28	47	117	86	119
19	16	49	43	88	133
20	29	50	55	89	134
21	7	51	23	90	120
22	64	52	88	91	135
23	22	54	38	92	121
24	25	55	106		
25	128	56	89		
26	71	58	31		

ASSEMBLY JOINT RESOLUTIONS

AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
2	10	17	79	41	123
3	19	19	93	47	124
9	27	20	94	49	136
10	78	24	95	50	137
11	98	26	63	51	138
12	58	30	54	53	125
13	9	32	100	55	139
14	99	35	96	56	126
15	92	36	80	57	127
16	72	37	122		

SENATE CONCURRENT RESOLUTIONS

SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
2	2	22	61	39	40
3	13	23	33	40	67
4	1	24	109	41	110
5	5	25	73	43	146
6	97	26	39	44	65
9	51	27	60	45	147
11	46	28	15	46	111
12	47	29	66	47	69
14	70	30	145	48	112
15	14	33	82	51	76
17	6	34	83	54	148
18	12	35	20	55	113
19	59	37	68	56	114
20	11	38	74		

SENATE JOINT RESOLUTIONS

SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
1	36	12	85	24	142
2	3	14	75	26	144
3	115	15	116	28	143
4	26	17	81	29	149
7	140	19	141		
8	84	21	57		

BILLS VETOED BY GOVERNOR

1987

ASSEMBLY BILLS

11, 15, 18, 31, 37, 89, 100, 102, 106, 127, 134, 150, 219, 246, 252, 262, 276, 278, 289, 300, 318, 348, 349, 351, 368, 391, 400, 420, 435, 440, 452, 456, 468, 474, 499, 507, 522, 563, 572, 603, 620, 654, 683, 693, 699, 701, 780, 790, 792, 807, 809, 849, 859, 899, 922, 948, 979, 983, 1022, 1070, 1078, 1083, 1108, 1120, 1125, 1130, 1140, 1151, 1165, 1182, 1219, 1221, 1235, 1262, 1272, 1279, 1336, 1343, 1347, 1356, 1364, 1412, 1435, 1463, 1465, 1470, 1471, 1497, 1500, 1505, 1507, 1595, 1656, 1659, 1670, 1692, 1701, 1727, 1743, 1786, 1800, 1804, 1805, 1817, 1845, 1899, 1966, 1973, 1976, 1998, 1999, 2023, 2024, 2041, 2070, 2131, 2138, 2157, 2188, 2215, 2216, 2236, 2237, 2251, 2287, 2292, 2293, 2309, 2323, 2340, 2341, 2345, 2349, 2387, 2424, 2427, 2443, 2457, 2479, 2525, 2552, 2575, 2622, 2644, 2650.

SENATE BILLS

59, 62, 63, 68, 77, 122, 127, 130, 131, 136, 137, 192, 225, 256, 259, 265, 277, 297, 309, 317, 334, 343, 346, 408, 436, 488, 521, 542, 550, 583, 599, 611, 623, 659, 671, 673, 674, 676, 710, 711, 730, 795, 798, 807, 836, 848, 866, 873, 889, 892, 895, 911, 921, 934, 968, 977, 1035, 1043, 1048, 1050, 1059, 1065, 1082, 1108, 1248, 1256, 1270, 1321, 1332, 1361, 1373, 1384, 1402, 1435, 1494, 1497, 1504, 1509, 1578, 1602, 1609, 1619, 1638, 1643, 1658, 1666.

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1987

1987–88 FIRST EXTRAORDINARY SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

Assembly Bill	Chapter
1	1
6	2
7	3

SENATE BILLS

Senate Bill	Chapter
1	4
2	5
5	6
6	7

SENATE CONCURRENT RESOLUTIONS

SCR	Resolution Chapter
1	1

BILLS VETOED BY GOVERNOR

None.

STATUTORY RECORD

Sections affected by Statutes enacted at the 1987–88 First Extraordinary Session are included in the 1979–87 Statutory Record, beginning on page S-5.

INDEX

Indexing entries for the chapters and resolution chapters enacted at the 1987–88 First Extraordinary Session are included in the Index beginning on page 725. The chapter or resolution chapter number is followed by (1X).

NEW GENERAL LAWS—1979

Chapter No.	*Re:*
11	Fresno Unified School District: lease-purchase of facilities
26	Schools: continuous school programs
27	Property taxation
28	State Capitol Restoration Project
33	School facilities: Field Act
38	School finance
54	Validations
64	State hospitals: fire, life safety, and environmental standards
74	Data communication consolidation
75	State park system
79	Appropriation: peace officer training
80	Augmentation of 1978 Budget Act: correctional programs
82	School buildings: Field Act
84	CSUC· health facilities
88	District elections
91	Elections
93	School buildings: Field Act
104	Public social services
105	School finance. miscellaneous funds
106	Schools: funding
111	Local agencies: taxation
135	Regional centers. services for the developmentally disabled
142	Reimbursement to local taxing authorities: appropriation
160	Appropriation: Budget Act augmentation: contingencies or emergencies
181	Donation of county property
192	State employees: salary increases
193	Special election: constitutional amendments
232	Public Employees' Retirement System: appropriation
249	School facilities. Field Act
253	Schools: earthquake safety
254	Flood control: emergency work
259	Budget
268	Special funds. appropriation
311	California State Polytechnic University
321	San Juan Union Elementary School District
323	School districts: reorganization: elections: costs
368	Vocational education: appropriation
369	Office of Emergency Services: appropriation for Civil Air Patrol
389	Domestic water supply systems
419	State claims
420	State liens
501	Appropriation: payment of claims
502	Appropriation: state judgment payment
543	Appropriation: Department of Fish and Game
575	Wetlands: Madrona Marsh
598	State Transportation Fund: Aeronautics Account: grant validation
635	Community college: facilities: Field Act
658	Children's institutions: fire and life safety
664	Community colleges: target budget
670	Mono Lake gull rookery
690	Juvenile court law
707	Airports: funds
710	State Department of Health Services: appropriation: court-approved settlement

NEW GENERAL LAWS—1979—Continued

Chapter No.	*Re.*
714	University of California: citrus virus disease
740	Appropriation· Department of Justice
758	Appropriation federal railroad safety standards
759	State vehicluar recreation area
762	Disposition of state property
781	State lands
792	Department of General Services· motor vehicle fuel plan
842	Public employees: entry standards
845	State park system appropriation for acquisition study
846	tide and submerged lands grant City of Oceanside
852	Validations
868	Coastal zone: local coastal programs: coastal access guides
885	Family physician training program
949	Community college district transfers
957	State claims
962	Department of Education: census
998	Appropriation: payment of claims
1005	Inheritance and gift taxes
1017	State park system
1040	Appropriation Pillar Point Harbor Project
1046	State claims
1070	Domestic water supply systems: water facilities
1089	State park system
1095	Railroads: abandoned railroad lines
1103	Criminal trials. reimbursement of counties
1135	Correctional facilities
1137	State claims
1144	Mental health: involuntary treatment facilities
1148	Appropriation DBCP. testing and analysis; Hydrilla control
1178	Public Employees' Retirement System: contracting agencies
1196	Property taxation interest and penalties
1204	Local agencies: state funds· law enforcement

NEW GENERAL LAWS—1980

Chapter No.	*Re.*
3	Special elections· consolidation
4	Franchise Tax Board. toll-free telephone services: appropriation
8	Schools· sale of personal property: Newport-Mesa Unified School District
43	Medi-Cal: Fiscal intermediary contracts
49	Jurupa Unified School District
59	Developmental services
93	California State University and Colleges: building construction: appropriation
102	State claims
106	Schools: Field Act
111	State property: Bolinas-Stinson Union School District
112	Domestic water supply systems
128	Property taxation: technical errors· validation
144	State claims
155	Aeronautics Account: County of Siskiyou
162	University of California: California Writing Project
167	School facilities
182	Wills: destruction of animals
214	State Capitol Restoration Project
221	Glendale Unified School District. Glendale Community College District: reorganization
224	Happy Camp Community Park· local assistance grant: relief
265	Parks and recreation: land acquisition grant: permitted use
270	T. Hopkins Right-of-Way
284	Appropriation: office building
286	Special funds. appropriation
304	Developmental disabilities: residential facilities. Staff training
305	Community colleges· community college tuition fund
338	Disposition of state property
383	Validations
433	School buildings: Field Act
449	Groundwater Sierra Valley and Long Valley Basins
486	Transportation. passenger rail service
510	Budget Act of 1980
638	Owens Dry Lake
647	51st District Agricultural Association: appropriation
734	Schools: district reorganization: unification
792	Teachers' Retirement System, State: tax-sheltered annuities
824	Claims
828	Local agencies: state funds: law enforcement
835	Judges: salaries
836	Hughes Flying Boat "H-4 Seaplane"
839	Construction: capital outlay
895	Tidelands: City of Vallejo
907	Biomass farming
909	California Conservation Corps. support
919	Elections: reapportionment
937	Personal Income Tax Law
946	State office buildings
952	Metropolitan State Hospital land: surplus—study
980	Validations
981	School finance: Pittsburg Unified School District: Riverdale Joint Union High School District

NEW GENERAL LAWS—1980—Continued

Chapter No.	*Re:*
995	Konocti Unified School District
1010	Domestic water supply systems
1016	University of California: medical center: San Diego: appropriation
1038	Correctional institutions
1109	Humboldt wetland restoration and waste water treatment demonstration project
1146	Agriculture: Guayule program: Mediterranean fruit fly
1211	Skilled nursing care: study
1221	Appropriations limit: charter city and county
1224	Pulmonary disease
1225	Appropriation: payment of claims
1232	Water use: migratory waterfowl habitat
1241	Appropriation: State-mandated local costs: additional reimbursement
1243	Department of Transportation employees: occupational safety study
1251	Mentally retarded persons. pilot project
1293	Valley fever
1296	Appropriation: Department of Justice
1297	Appropriation: unspecified claims against state
1359	County general plans: local coastal programs
1377	Drunk driver warning system

NEW GENERAL LAWS—1981

Chapter No.	*Re.*
5	New state office building—Van Nuys: land acquisition—appropriation
14	Appropriation: Mediterranean fruit fly eradication
27	Appropriation: Mediterranean fruit fly detection
30	School facilities: Twin Creeks Elementary School: Palo Verde Community College District
33	Handicapped children's service
37	Local assistance
38	Budget Act deficiencies: appropriation
43	Domestic water supply systems
44	Mediterranean fruit fly: sterile fly production facility
51	Validations
56	Department of Consumer Affairs
57	Tahoe Regional Planning Agency: appointees: compensation
60	Appropriation: payment of claims
61	Appropriation. settled wrongful death claim against the state
68	Postsecondary education: Student Aid Commission: guaranteed student loan program
71	Appropriation: settled claim of Anna H. Salazar against the state
98	Appropriation: Budget Act of 1980 augmentation: contingencies or emergencies
99	Budget
130	Parklands: coastal resources grant program: administrative costs
169	State government support
222	Appropriation: State Board of Control: crime victim claim
233	School: funding of Desert Center Unified School District
235	Ballot pamphlet
246	Schools: special education· appropriations
288	Child care and development: severely handicapped children
296	Kern Desert Regional Park
319	State surplus property
358	Disposition of state property
370	State surplus property
384	Private Investigator and Adjuster Act
421	Flood control: Stanislaus County
429	Schools· finance: transfer of territory
430	Cities of Sacramento and Los Angeles: local assistance resources grants: relief
446	Parks and recreation· lease of state lands
490	Kern Desert Regional Park. local assistance resources grant: relief
497	Wildlife: Buena Vista Lagoon Ecological Reserve
539	Special election· counties
554	Commission for Economic Development: study of underdeveloped areas
568	Validations
577	Appropriation· payment of claims
586	Validations
590	Elections
666	Cooperative produce inspection facility
671	Domestic water supply systems
688	Optometry
695	Domestic water supply systems
706	Salmon: Klamath and Trinity Rivers
835	State surplus property
853	Domestic water supply systems

NEW GENERAL LAWS—1981—Continued

Chapter No.	*Re:*
906	Monterey County: general plan
938	Appropriation: state agencies: Mediterranean fruit fly eradication
964	Claims against the state
1008	Land grants: City of San Diego
1016	Oakland: port area lands
1037	Appropriation: unspecified claims against state
1090	Appropriation: state-mandated local costs: additional reimbursement
1105	Old Town San Diego State Historic Park: leasing
1157	Schools: school year

NEW GENERAL LAWS—1982

Chapter No	*Re·*
1	Prisons
10	State School Fund. tax levies
18	Eel River Oxbow area lands
28	Appropriation payment of claims
30	California Conservation Corps: support
39	Appropriation. Department of Justice
49	Kern County Water Agency
60	Parks
62	Board of Osteopathic Examiners
78	Courts
88	Schools. Field Act Standards
92	Appropriations. payment of claims
97	Barstow Community College District: emergency apportionment
102	Petitions signature verifications
105	Vallejo sanitation trustees' compensation
119	Monterey Peninsula Water Management District
127	Radio dispatching systems Department of Fish and Game and Department of Parks and Recreation
137	Moreno Valley Unified School District· Class size limitations
170	Juvenile court law
171	San Diego Unified Port District commissioners
175	Nursing
189	Department of Transportation appropriation
190	Victims of crime
196	Postsecondary education. California Mathematics Project
208	Mental health. study. medical screening
211	School Districts· special election costs
236	San Bernardino County flood control
238	Medical Assistance program· funding
246	Long Beach tidelands: funds
252	Placer County Water Agency
284	Jury trials
293	Schools. Field Act exemption
306	South Delta Water Agency
311	Alameda county flood control
317	Appropriation Budget Act augmentation: contingencies or emergencies
326	Budget
332	Mediterranean fruit fly: funding
336	Bethel Island Municipal Improvement District: regulations
342	Department of Consumer Affairs deficiency appropriation
366	Santa Monica-Malibu Unified School District
414	Aeronautics Account: East Kern Airport District: City of Montague
422	Appropriation California State Police Division. firearms range facilities
446	Osteopathic Act: physicians and surgeons
458	Validations
469	Recreation County of Orange: property in Sunset Beach
473	Historical resources Railtown 1897
476	Burglary prevention
478	Adult day health care programs
481	Flood Control
482	State lands San Diego County
491	City of Santa Ana local assistance resources grants: relief
519	Lake Tahoe land purchase study

NEW GENERAL LAWS—1982—Continued

Chapter No.	*Re:*
523	State civil service employees: reparations
527	Aeronautics account: City of Oceanside
539	Contra Costa County Flood Control and Water Conservation District: employees: civil service
541	Ventura County Flood Control District: fees and charges
598	Commercial fishing: gill nets
602	Appropriation: Kay M. Breneiser
617	Validations
643	Lupus Erythematosus
661	Fresno Metropolitan Flood Control District
683	New state office building: Van Nuys: land acquisition: appropriation
718	Environmental protection program: City of Walnut Creek
724	Community colleges: Butte Community College District
725	Domestic water supply systems
748	Unemployment insurance
754	Schools: Bellflower Unified School District: surplus property
790	Domestic water supply systems
831	Public programs: redefining of responsibilities and funding
846	State funds: borrowing
858	Park and recreation projects: off-highway motor vehicle recreation area study and local assistance grant relief
862	Environmental information program: contracts
873	State-owned real property: transfer to Amador County
888	Domestic water supply systems
934	Schools: Taft City School District
955	Disaster relief: appropriation
988	Appropriation: claims against the state
989	Appropriation. claims against the state
992	Orange County Water District
995	Tidelands: City of Brisbane grant
1002	State Park System: Crystal Cove State Park
1005	Fiscal affairs: 51st District Agricultural Association
1017	Engineering, business, and accounting faculty: CSU and UC
1018	County boards of education· Mono County
1023	Fox Canyon Groundwater Management Agency
1030	State Lands Commission: in-lieu lands
1032	Safe drinking water grants
1034	Monterey County flood control
1045	Prisoners
1052	County superintendents of schools: legal services
1055	State highways: excess real property: Soledad
1068	Tidelands: City of Eureka
1123	Food irradiation· Picowave processing
1151	State property: sale or exchange
1164	Public resources: parks, beaches, and historical resources
1259	Domestic water supply systems
1266	State property: sale, lease, or exchange
1302	McColl Hazardous Waste Disposal Site
1311	Merced County flood control
1483	Salmon and steelhead rehabilitation: appropriation
1540	State Park system: appropriation: operation and maintenance
1547	Prisons: appropriation
1548	Prisons: construction
1599	Appropriation: State Board of Control; PERS Board of Administration

NEW GENERAL LAWS—1983

Chapter No.	*Re·*
9	Validations
16	Regional occupational centers: funding
19	Appropriation· Budget Act augmentation: contingencies or emergencies
20	Schools: Castro Valley Unified School District: surplus property
25	Public resources
34	Settlement of claims
35	State park system: Big Sur Project: acquisition appropriation
38	Emery Unified School District: funding
53	Local agencies: incorporation. boundary changes
88	Property taxation: technical errors: validation
113	Grant Joint Union High School District: transfer of funds
171	School districts: emergency apportionments
276	Riverside County flood control
300	Transportation: Sacramento light rail project
318	In-Home Supportive Services
324	Budget
402	San Benito County flood control
406	Local government
447	Pete's Harbor: swamp and overflowed lands
518	Parks and recreation capital outlay· East Bay Shoreline project
532	State higher education employer-employee relations
533	Chiropractic
538	Appropriation: settlement of claim
539	Appropriation: Department of Justice: settlement claim
563	Volunteer firefighters· length of service award system—continuation
610	Santa Clara Valley Water District
614	State property: sale, lease, or exchange
620	Kern County Water Agency· elections
638	Validations
647	Community colleges finance
648	Validations
672	State-owned real property: transfer to Ray Preston
767	Monterey Peninsula Water Management District
784	Insurance. Bureau of Fraudulent Claims
815	Flood control districts
851	Community colleges. fiscal affairs
879	Mental health audit settlements
926	Colusa County flood control and water conservation
945	State hospitals: Atascadero State Hospital
957	State prisons: emergency facilities
976	Subdivisions
984	Public utilities: energy conservation development
996	Japanese beetle
1006	Mosquito abatement
1007	Fiscal affairs
1052	Payment of claims
1183	Appropriations: payment of claims
1184	Appropriations: payment of claims
1189	Yolo County flood control
1190	State surplus property
1214	School transportation
1215	Mentally retarded defendants: diversion
1298	California State University

NEW GENERAL LAWS—1984

Chapter No	*Re*
3	Community colleges
46	Alameda County Office of Education: emergency apportionment
61	Pacific Grove Unified School District
84	Vehicles: wheelchair lifts
90	Community college facilities: Mendocino-Lake Community College District
91	Validations
96	Appropriation: state-mandated local costs: reimbursement
107	Mono Lake water levels study
119	Alcoholic beverages
120	Habilitation Services Program
122	Agricultural inspection stations
164	Heritage Park
168	Improvement Bond Act of 1915· City of Corona
188	Parks and recreation· County of San Mateo Pescadero Watershed Park
222	Hazardous liquid pipeline safety: appropriation
238	Santa Clara County nonprofit hospital: sale: foundation
258	Budget
266	1984 Olympic Games
313	Seismic safety preparedness activities: appropriation
347	Airports: Trinity County
363	State Board of Registration for Geologists and Geophysicists
444	Correctional facilities
470	Parks and recreation East Bay Regional Park District lease of state lands
506	Boll weevil control and eradication
551	Vector Control· assessment and taxation
556	Brea-Olinda Unified School District
580	Mobilehome parks
612	Services to Medi-Cal recipients
616	Nutrition programs for the elderly
630	Teacher credentialing
661	Republican State Central Committee
688	Sutter County flood control and water conservation
689	Placer County flood control and water conservation
691	Validations
692	Validations
715	Tidelands. County of Orange, City of Newport Beach
716	Real estate education
782	State-mandated local program claims. workers' compensation
847	Long Beach tidelands
857	Motor vehicles: speed limits· study
877	Pesticides: residential use
1100	Transportation: transit: farebox ratio requirements
1152	California State University· exchange of vacant land
1155	State agencies. surplus real property
1165	Owens Dry Lake
1189	Parks and recreation: property exchange
1191	Public Assistance
1247	Historical resources. City of Soledad
1254	Cal-Vet housing costs study
1330	Mental Health
1400	City of Garden Grove: park: sale: Weed Recreation and Park District
1436	Payment of claims

NEW GENERAL LAWS—1984—Continued

Chapter No.	*Re:*
1451	Payment of claims
1470	Recreation land acquisition
1481	State employment: disabled persons
1483	Appropriation: payment of claims
1499	Northwestern Los Angeles Resource Conservation District
1501	California Bicentennial Commission on the United States Constitution
1506	Community colleges: reassessment study
1513	Dental care plans: annuitants: appropriation
1529	Payment of claims
1545	State Military Reserve: funding
1548	State park system
1582	Payment of claims
1614	Youth. emergency referral services
1645	Childbirth: alternative birthing methods study
1649	Medi-Cal
1652	Pilots for San Francisco, San Pablo, and Suisun Bays: study task force
1674	Fiscal affairs
1689	Migrant labor: farm labor family camps
1694	Payment of claims
1750	Family physician training program: skilled nursing facilities

NEW GENERAL LAWS—1985

Chapter No.	*Re:*
2	Public works
4	Payment of claims
7	Appropriation: Department of Justice: settlement of action
8	School buildings
28	Institute for Computer Technology: funding
49	Validations
56	Department of Transportation. appropriation
62	California Exposition and State Fair: appropriation
111	Budget
118	Hazardous substances Department of Fish and Game
228	Apple maggot: detection and eradication appropriation
284	Cosumnes River Water and Power Authority
300	Payment of claims against the state Grady v. County of Los Angeles
305	Wildlife Waystation: grant
331	Chancellor of the California Community Colleges: recruitment costs
360	Department of Forestry. aircraft appropriation
388	Fish and Game. appropriation
415	Simon Wiesenthal Center New Museum of Tolerance: appropriation
417	Parks and recreation: local assistance
433	Padre Dam in San Diego County: appropriation
435	Hydrilla eradication
438	International Trade
527	Insurance· claims
590	Validations
594	Validations
598	Health care providers
605	Youth Authority
628	Corrections
631	Medi-Cal
673	School facilities Field Act: exemptions
698	Commercial ports: economic and development studies and report
718	Educational Facilities: Field Act
719	Department of Consumer Affairs
748	Bagley Conservation Fund abolishment
750	Tourism
768	Nonprofit corporations: sports
772	Cal Grant awards
777	Postecondary education
789	Hazardous material. transportation. study
881	Criminal law: peace officers
885	Prisons: energy
919	Alzheimer's disease· respite care services
930	Prisons
977	Public social services
988	Veterans hospital, nursing home, and domiciliary care
1046	Veterans' Home of California: construction implementation estimate and plan
1079	Telephone service: study
1095	Public social services
1105	Otterbein State Recreation Area. grant to County of Los Angeles
1146	Toxic gases
1175	Payment of claims
1179	Property tax apportionments

NEW GENERAL LAWS—1985—Continued

Chapter No.	*Re:*
1233	Senior Centers
1240	International trade
1243	Public resources: land acquisitions and exchanges
1252	Pupil health
1265	Watermelons: pesticides
1300	Santa Monica Mountains Conservancy: appropriation
1313	Transportation: Los Angeles-San Diego rail corridor study group
1353	Safe drinking water grants
1357	Fish and game enforcement
1414	Clove cigarettes
1425	Fire suppression: appropriation
1427	Water: comprehensive service laboratory
1434	Bird preservation
1441	Adult education: English as a second language programs
1451	California Coastal Commission
1458	Community colleges: data
1465	Hazardous materials: transportation study
1468	Environmental protection: City of Rancho Palos Verdes: grant
1499	Missing persons: report
1529	Juvenile arson and firesetting
1568	Schools: pupil testing
1601	Department of Commerce
1602	Resources
1605	Claims against the state

NEW GENERAL LAWS—1986

Chapter No.	*Re:*
3	1986 direct primary election· SCA 28
17	Mental health: hospitals
18	Courts
19	Payment of claims
23	Airports: City of Atwater
49	Division of marital property
50	Senior centers
73	Community college finance: emergency apportionments
75	Validations
83	Gas rates: agricultural processors: study
92	Workers' compensation: Uninsured Employers Fund
99	Transportation: Los Angeles-San Diego State Rail Corridor Study Group
100	California Environmental License Plate Fund: appropriation: County of San Diego
122	Parks and recreation. Sonoma County regional parks: local assistance grant relief: appropriation
128	Parklands. transfer
154	Subdivisions
170	Budget Act of 1985: augmentation: Emergency Telephone Number Account: State School Fund: contingencies or emergencies
186	1986–87 Budget
209	Desegregation costs: San Jose Unified School District
219	Health care
236	Health insurance
266	Payment of claims
286	Mojave Water Agency: directors
300	Department of Transportation: appropriation: tort liability settlements and judgments
347	West Valley-Mission Community College District
349	Absent voter ballots: 1986 general election
365	Santa Clara County: groundwater
375	Coast Life Support District
418	School facilities
459	Safe drinking water grants
473	Public Utilities Commission: baseline rates and allowances study
485	Transfer of employees
487	Health programs
495	Electricity: demand and supply forecast: report
573	Payment of claims
580	Validations
581	Validations
690	Riverside County: flood control
696	State park system
733	Housing infrastructure incentive: funding
739	State highways soundwall barriers: Route 91
801	Medi-Cal fiscal intermediary contract
832	Castaic Lake Water Agency
869	Cuyamaca Rancho State Park: transfer of surplus property
890	Transportation: appropriation
891	Education
892	Public assistance: Budget Act of 1986
915	Veterans' Home of California: appropriation
936	Tide and submerged lands: City of Trinidad: Crescent City Harbor District

NEW GENERAL LAWS—1986—Continued

Chapter No	*Re*
941	Education: pregnancy and parenting study
955	San Francisco Bay Area Rapid Transit District
962	San Lorenzo Valley Water District
966	Schools: seven class period schoolday
987	Orange County flood control. assessments
991	Postsecondary education· study of time required for completion of degree
1022	State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974: grants West Olive Park
1041	Management, possession, and control of state parking facilities: Joint Rules Committee Department of General Services
1062	Unemployment insurance
1063	Health: older adults· medication
1082	In-home supportive services
1138	Vocational education
1146	Counties: financial assistance
1149	Claims against the state
1151	Agricultural exports
1155	Parks and recreation: off-highway facilities
1160	Public Utilities Commission: appropriation
1164	Pan Pacific Park· Willowbrook State Recreation Area
1206	Unemployment insurance
1223	Passenger train service Monterey-San Francisco
1253	State highways snow removal
1257	Educational facilities
1261	Historic monuments· Statue of Liberty
1272	Mental health
1281	Department of Justice major fraud
1291	State parks. Old Town San Diego Ano Nuevo State Reserve
1292	Vehicles operators of heavy trucks safety study
1294	Watermelons· payments
1297	California Environmental License Plate Fund: appropriation· museum
1319	Settlement of actions. appropriation: Department of Justice
1333	Health insurance· long-term care
1341	Alternative energy sources· farm energy assistance· appropriation: petroleum violation escrow account
1342	Low-Income Home Energy Assistance Program
1352	Department of Public Safety study
1356	Public schools use of videotape technology
1357	Delta levees and banks: state highways
1363	Waste water construction loan Humboldt Bay
1366	State internal service funds. refund
1367	Health services
1369	Juveniles
1384	Central Valley Project: state ownership or operation
1386	California Museum of Latino History
1414	Home inspections: Contractors' State License Board
1419	International trade
1465	Community colleges
1468	Water quality. New River and Alamo River
1469	Water quality: research
1473	Parks and recreation acquisition and development
1476	Public buildings: Parklands Acquisition and Development Program of 1984: Butte Store; claims against the state

NEW GENERAL LAWS—1986—Continued

Chapter No.	*Re.*
1483	Santa Monica Mountains Conservancy: land acquisition: California Environmental License Plate Fund grants
1485	State Board of Control
1489	Wildlife Conservation Board: ecological reserves
1491	State Board of Control
1493	1985 Budget Act: reappropriation: New Brighton State Beach
1514	Milk: Dairy Products Technology Center

NEW GENERAL LAWS—1987

Chapter No.	*Re·*
1	City council vacancies: elections
9	Baldwin Park City Council
11	Medi-Cal
14	Settlement of actions: appropriation: Department of Justice
18	Validations
29	Santa Clara County: water districts
34	Schools: emergency apportionments
45	Education
87	Education
135	Budget
145	Prisons
148	State highways: traffic control: San Diego County
153	Department of Transportation: study: wrong way traffic
237	Safe drinking water grants
245	Fires: fire extinguishing systems: fire alarm systems
251	World exposition: Australia
310	San Francisco Harbor: Burton Act
338	Fire Protection: appropriation
347	Bird preservation
396	Pleasant Hill Recreation and Park District
433	Public Utilities Commission
441	Validations
442	Validations
474	Kaweah River Power Authority: interest rate
486	State Coastal Conservancy: study
512	Pesticide use permits
540	Monarch butterfly
569	Aeronautics Account· appropriation
578	Prisons
594	Education: task force on intersegmental policy: low-income and minority students: college preparedness
607	Transportation: flood problems
710	Tehachapi Archaeological Site
771	Schools: earthquake safety: buildings
820	San Diego Bay water quality
837	Regional water quality control boards: compensation
864	Public Utilities Commission: federal tax reform
871	Courts. case disposition information
873	General Fund appropriation: Andrews v. State of California
907	Adobe Falls: City of San Diego
913	Water transfers: Imperial Irrigation District
968	PERS: vision care
988	School district reorganization
1000	Safe drinking water grants: Descanso Community Water District
1099	Hazardous substances
1112	Earthquake insurance
1117	Safe drinking water grants
1195	White garden snails: eradication
1221	University of California: Charles R. Drew Postgraduate Medical School
1234	Property tax apportionments
1236	Community colleges. earthquake safety: buildings
1248	Indigents: health services
1249	School facilities finance· Central School District

NEW GENERAL LAWS—1987—Continued

Chapter No.	*Re·*
1253	School facilities: Field Act Stockton Unified School District
1269	Northern California Youth Center visitor center
1270	Appropriation: payment of claims. state-mandated local programs
1283	University of California. coronary heart disease research
1288	Water conservation: groundwater recharge
1292	Sanger Waste Disposal and Cogeneration Plant
1342	Consumer affairs civil penalty distribution
1366	Water resources: Hetch Hetchy Reservoir
1398	Hazardous waste disposal fees: study
1399	Colusa Basin drainage and flood control
1406	Fiscal affairs: California Academy of Sciences
1410	Groundwater recharge, water conservation, and flood control facilities
1416	Youth institutions
1421	Blood research
1429	Fiscal affairs
1446	Cuyamaca Rancho State Park. surplus property
1467	Department of Commerce· study
1472	Community Parklands Fund appropriation
1490	Judgments and settlement claims against the state: appropriation